Lost in bureaucracy; the experience of Rwandan refugee women in Cape Town

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Abstract

The exigent needs of Rwandan refugee women in Cape Town require the South African government, policy makers and service providers to revise their current approaches to this sector of the refugee community.

The demise of the African continent through war, corruption and the erosion of the rule of law are spurring millions of people to flee their homes in search for protection. South Africa has become a popular destination for refugees from the rest of the continent. As a signatory of the United Nations Convention relating to the Status of Refugees, the country has the obligation 'to provide international protection to refugees and to promote durable solutions to their problems'. Since the South African government does not make provision for refugee camps, financial or material assistance, refugee women are left to fend for themselves in what is often a harsh and highly xenophobic environment.

Given the current status quo, research has been conducted amongst a small community of Rwandan refugee women in Cape Town. Extensive conversation with these women confirmed that the existing legal and social framework makes no provision for the particular needs of abused and traumatised women, women as mothers or single mothers. Through an extensive literature review and an analysis following 5 months of fieldwork, the study explores the ways in which refugee women in South Africa are vulnerable, what coping mechanisms they apply and how the current framework could be altered in order to effectively fulfil its mandate.

I, Friederike Bubenzer declare that this research report is my own, unaided work. It is submitted in partial fulfilment of the requirements for the degree of Master of Philosophy of Development Studies at the University of Cape Town. It has not been submitted for any degree or examination in this or any other university.

Signed by candidate

Friederike Louise Anna Bubenzer

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In memory of my grandfather

Rudolph Karl König

18.6 1908- 7.9.1980

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Contents

1. Introduction

Over the last decade the number of people fleeing their war-torn homes has increased dramatically. Leaving their homes, possessions, friends and family behind, individuals travel immense distances in search of peace and safety. Their experience is one characterised by disorientation and the sense of loss, corrupt and crowded refugee camps, sexual violence, scarcity of food, water and adequate health services (Spijkerboer 1994 and 2002, Wambugu 2003, Crawley 2000 and 2001, Forbes Martin 1995, Valji 2000). Among these flows are countless women refugees, who like their husbands, brothers and fathers have become victims of their countries disregard of international human rights conventions. However, the plight of women is a particular one and one that has come under the international limelight only over the last decade. These women experience the added challenge of motherhood, of rape, sexual violence and gender based persecution and of a limited institutional framework providing for their protection. The realisation that international refugee law is still gender insensitive has over the last decade become a focal point within the study of refugees.

The term 'refugee' itself is gender neutral and thus assumes that the refugee experience is the same for both men and women. The direct result hereof is that the refugee reception and status determination process in most countries of the world is not gender sensitive and makes no provision for women and their frequent gender based claims. Apart from the fact that the majority of refugee women have at some stage during their journey experienced gender based discrimination or left their home country because of their gender, their experience is unique and one which deserves special attention- particularly in the wake of the growing global refugee crisis. By examining refugee women as a category within the refugee discourse, it becomes evident how frail the infrastructure protecting them really is.

Sanctuary Retreat Refugee Center (hereafter referred to as SR) in Philippi, Cape Town is funded and operated by Catholic Welfare and Development (CWD) which has served the poor of Cape Town since founded by the Catholic Church of Cape Town in 1972. CWD uplifts the lives and situations of people in need, irrespective of their religion. It is at SR that refugee women are able to settle down after their journey

and begin dealing with their new socio-psychological context. Here women are offered trauma counselling and health care, basic training and a diversity of social integration projects.

In order to comprehend the experiences of refugee women in South Africa and to develop research based recommendations on how to improve thereupon, a qualitative exploratory research study was conducted at the above mentioned center. This revealed that the lives of refugee women in South Africa represent many of the challenges exposed by gendered critiques of refugee related practices. Though this microcosm is by no means an adequate representation of refugee women worldwide, research here divulged intricate details of the real and lived experiences of refugee women, the challenge entailed in working to understand them and the framework which makes their existence as hard as it is.

The majority of women I interacted with originated from Rwanda. Because the Rwandan genocide of April 1994 created such undeniable push factors and since I was able to communicate with these women in French, I chose a small community of Rwandan refugee women as the sample population for this study

This dissertation is an exploration of the issues facing Rwandan refugee women during and after their journey to South Africa. It is aimed at presenting both the very personal as well as the institutional in order to adequately represent the entirety of their lives. In light of the emotionally laden subject matter and to accommodate the diversity of expert and non-expert literature available, the structure of this paper is rigid and formulaic. It is hoped that this investigation will shed light on the hardship these women face in order to provide some answers to those sectors in the development context grappling to deal with the situation.

1.1 Chapter outline

Chapter 2 of this report outlines the research method used to adequately investigate the experiences of Rwandan refugee women at SR. Field work and a literature review form the core of the applied method.

Chapter 3 is a review of the most important literature covered by a variety of authors in different disciplines. While the first part deals with the evolution of gender in the refugee discourse s well as the main arguments that have surfaced therein, the second part contains a brief history of Rwanda, the run up to the 1994 genocide and the gendered nature of the events that unfolded therein.

Chapter 4 summarises the institutional framework both in terms of South African laws as well as the governmental and non governmental service providers that assist refugees in Cape Town.

In Chapter 5 I outline findings resulting from fieldwork conducted at SR. These include the challenge of empowerment, psychological and physical health, motherhood, accessing services and financial constraints as well as the experiences of refugees as single mothers. Lastly I describe the coping mechanisms applied by the women at SR.

Chapter 6 provides recommendations to the South African government and the Department of Home Affairs in one part and to local service providers in another.

The report is rounded off by concluding remarks drawing on the findings of the previous chapters.

1.2 Why refugees?

Owning a car in Cape Town, one cannot but notice that when finding parking in the city centre numerous car guards patiently ensure the security of ones vehicle. Coming from a multilingual background myself, I noticed that most guards were not South African but Congolese, Rwandan and Burundian refugees and asylum seekers. My ability to converse with these men in their mother tongue allowed me to access a part of their lives that most Cape Townians are unable to. Apart from being able to practice my French, the stories I was told touched closely on both my maternal and paternal ancestry.

My grandfather was born in Bautzen, East Germany in 1908 where he later owned a small men's outfitters store. In 1947 he married my grandmother and two years later my mother was born. At the same time post-World War II East Germany had become a satellite state of the Soviet Union and under communist rule, economic and social conditions were rapidly deteriorating. Complaining to a bank official about the manner in which and the amount of taxes the state was collecting from him, my grandfather was warned by a friend that same night, that his comment had already made waves at Soviet headquarters. With only one suitcase he fled to West Germany the next morning. My grandmother and 4 year old mother followed a week later, leaving behind their home, their friends and family. In the numerous depictions of my grandfather, both my grandmother and mother emphasise that he was homesick all his life.

My mother came to South Africa voluntarily and though she does not want to return, longs for aspects of her German home. Unlike my grandfather who was forced to flee his home country, my father left Germany after WW2 to pursue his career in South Africa and never felt the desire to return. This train of movement of family members, both forced and voluntary, has impacted heavily on my own identity. Additionally it has helped me to understand the immense emotional turmoil that is part of being a refugee in a strange place.

While my initial curiosity in refugees developed through my family, it was spurred on by my curiosity in African refugees in Cape Town. Coincidentally and while I was trying to formulate a more specific interest within the refugee discourse that I could conduct additional research on, a German think tank that I had worked with in the past, hosted a seminar on *Refugees in Cape Town*. The panel of the seminar constituted several high profile experts who highlighted the most pertinent issues facing refugees in SA. It immediately became evident that the Department of Home Affairs was experiencing serious backlogs in terms of effective and democratic administration, that South Africans are generally highly xenophobic and that refugees struggle accessing both the law and general services in South Africa. Here I was introduced to various members of the Tutumike Refugee Network. Amongst them

was the manager of Sanctuary Retreat Refugee Center[1] in Philippi, Cape Town, who presented the audience with a short yet concise description of the plight of refugee women in particular. After enquiring about the projects purpose and activities and enquiring about the possibility of an internship, I began 5 months of regular visits to SR, assisting where possible in administrative terms and gradually building relationships with the resident women.

[1] The name has been changed for confidentiality purposes.

2. Methodology

In order to understand the experiences of Rwandan refugee women from the time of their departure, to their arrival in South Africa and during their stay here, two main research methods were identified as useful. Field work was conducted during 5 months at a local non-governmental refugee center, which provides refugee women with temporary housing. The findings of this fieldwork are presented in chapter 5. Parallel to this, an extensive literature study was conducted across a variety of disciplines, which revealed a multiplicity of approaches used to understand local and international refugee related issues- these are presented in chapter 3. The following pages contain an elaboration on how and why these methods were applied and to what extent they were helpful in uncovering the research topic.

2.1 Field research

Fieldwork was selected as the most suitable approach as it allows the researcher to interact directly with people and observe them in their day-to day lives. This fieldwork was based on naturalism (i.e. observing ordinary events in their natural rather than a contrived or created setting) (Neumann, 1999: 349) and took place on a selected natural field sight that allowed for the self-monitored recording of intricate details of all members. By repeatedly entering the field in this way, greater understanding with regard to interpersonal relations, day-to day activities, feelings and concerns was gradually obtained.

Field research generally begins with a broad topic and is then narrowed down to a hypothesis. I was directly involved with the refugee women and personally experienced the process of daily social life in the field setting, had sufficient time to learn where my boundaries and limitations were and refine the main questions that needed clarification. Patience and modesty were crucial ingredients in this process, as was portraying genuine interest in the women's stories. Over time and with the help of the relevant literature I was able to see events at the center holistically and individually and recognise both tacit and explicit aspects of their culture (Neumann, 1999: 348).

My role was thus 'participant as observer' in that I shared with all women the purpose of my visits, openly asked them questions and willingly responded to all queries and favours they asked of me. Junker in Neumann defines this type of role involvement as a situation where 'the researcher and the members are aware of the research role, but the researcher is an intimate friend who is a pseudo member' (Neumann, 1997: 66). In line with Devereux's (1993: 12) suggestion with regard to field work in direct living arrangements, I acquired a few words in Swahili so that I was not entirely excluded from conversation and to assert a level of seriousness to my presence. Above all though, the fact that an increased amount of women trusted me with personal issues and stories and physically welcomed me with open arms every time I arrived, made me realise that I was establishing more than the strict researcher-subject relationship.

2.1.1 Quantitative vs. qualitative

This research could also have been completed in a quantitative and more positivist approach such as a survey. However, this type of method does not generate the required detailed information, obtainable primarily through an interpretative and investigative approach.

'The problem with collecting quantitative data is that a number 'calcifies' at each stage- from questionnaire to coding sheet to analysis-until it is one of several hundred numbers contributing to the production of a percentage, in which uncertainty over the accuracy of each individual number is buried for ever' (Devereux, 1993: 36).

By employing a more qualitative, less technocratic style in researching refugee women, some of the intricate details facing them emerged over time and through casual conversation rather than simply during interviews. Furthermore, collecting a variety of stories resulted in the unintentional illumination of certain commonalities as well as differences.

I thus applied a 'qualitative orientation' (Neumann, 1999: 123) defining itself as I proceeded, while constantly adhering to the scientific principles of logical and systematic rigour and keeping in mind the respondents backgrounds and biases (Devereux, 1993).

2.1.2 The Field sight

Field work was undertaken at Sanctuary Retreat Refugee Center in Philippi, Cape Town. The project runs under the auspices of Catholic Welfare and Development (CWD), an organisation that has served the poor of Cape Town since having been founded by the Catholic Church of Cape Town in 1972. CWD is an independent non-profit organization that provides temporary shelter for refugee women and children as well as programmes to help their integration into the local and South African communities.

During my research, the center was home to approximately 25 women and 33 children who lived in dormitories of 3 houses. Upon arrival and once a newcomer had been registered Anna[2] provides clothes, pots and pans as well as bedding and food. Strictly speaking women are allowed to stay for 6 months after which they should find their own homes and provide for themselves. Various measures are in place to facilitate this process[3]. Each woman is expected to clean and cook for herself and her children and food is distributed on a regular basis and according to the size of each family. Children too young to go to school are taken care of by teacher Adolphine in a schoolroom on the premises. Gogo, a South African volunteer takes care of toddlers and babies in the crèche.

The center also runs a sizeable vegetable patch, a sowing school where women are encouraged to learn basic skills by Teacher Rose, a conference room for special events and a small TV room. Each house has clean ablution facilities as well as a kitchen. Every woman has her own cupboard in which she stores her goods. Bedrooms sleep 4-7 people and women from different countries are encouraged to share rooms in order to prevent nationality-restricted relationships. Women are free to come and go as they please during the day, provided they sign in and out every time.

[2] Anna is a refugee herself and is employed by CWD as the housemother at SR

[3] The Cape Town Refugee Forum is integral in this process and helps women (and their husbands) to pay rent for an initial 6 month period. Other assistance has in the past been given by churches and housing projects such as The Arc.

Beneficial to my research was that I was never confronted with gatekeepers limiting access or bureaucratic management denying me access to the field sight. I felt very welcome at SR during every visit.

Additionally, most Rwandan women at SR speak some English or French. The fact that I was one of the only people at SR able to communicate with them in one of their mother tongues was advantageous and significantly helped the process of building rapport with the women.

2.1.3 A change of plans

Once sufficient rapport had been established and once I felt I could have conversations with the women, I had planned to conduct interviews as part of my fieldwork with a small number of women. After 4 months of regular visits to SR and concerted efforts to help women who required assistance (with such events as asylum applications, medical check-ups, finding suitable skills training and visiting the Refugee Forum) the first interview was arranged.

The interview took place when Cathy[4]approached me telling me she would like to share her experiences with me. We sat at the table of the main kitchen, where I began to explain to her the purpose of my research. After I asked the first questions, Cathy broke down in tears as she spoke about her deceased family members. Despite repeatedly trying to soothe her and confirming her safety and protection while in SA, she did not stop crying. About ten minutes later she calmed down and I attempted a second question. I asked her how and with whom she came to South Africa. Her response was delayed and staggered. She then explained that she travelled on her own with her 1 year old daughter Agate. I then asked her where the father of her child was during flight and she replied that she had come to Cape Town with him but he had left her and her children once she moved into Bonne Esperance. Although she had calmed down, her statements became more and more incoherent and it became clear that the value of the interview was minimal. Spijkerboer explains a similar scenario in a number of interviews conducted for the purpose of his research on gender and refugee status. He concludes that 'for a statement to be credible, it must first of all not be inconsistent. Applicants may provide conflicting statements about dates, places and persons. Such inconsistency is subject to a familiar critique, namely that asylum

[4] Names have been changed for confidentiality purposes.

applicants may be afraid of officials or simply nervous' (2000:55). Interviewing refugee women implies going back into their past and delving into unpleasant and often traumatising memories. This is likely to be more disruptive than constructive. Information obtained through informal and casual dialogue is likely to be more honest and revealing, while at the same time preventing the discomfort of a structured impersonal interview.

Added to these scenarios is the high rate of Post Traumatic Stress Disorder (PTSD) among refugee women, which distorts memory and the ability to recall important aspects of the trauma inducing event. Cathy had been diagnosed with PTSD shortly after her arrival at SR and elements of her reaction closely resembled the diagnostic criteria of this disorder[5]. Asking her to relive some of her memories during the 'interview' resulted in her emotional discomposure. Language also proved to be an obstacle, even with Cathy who spoke good English. Her psychological condition was not conducive to the generation of credible and consistent statements. Due to these factors, conducting an interview in such a context would have been unfair to the individual as well as fruitless for the intended outcome.

A second attempt proved slightly more fruitful, yet it was still not sufficient for credible research. Lina had immediately consented to speaking to me in order to explain to me the background of her refugee status. However, during the interview her unconcealed disparagement towards her own situation hindered the transferral of meaningful information. Again I had anticipated a high quality interview: Lina had been in SA for 7 years and had studied English at the University of Witwatersrand. However, her repeating the phrase *'We are all refugees. Who wants refugees? I don't know any more*' followed by a contemptuous laugh complicated my task of generating clear answers.

The failure of interviews as a research method in this particular context is a profound finding in itself. It indicates not only my miscalculation of the psychological and conceptual space between the women and me, but also the need to be aware that a planned approach may fail. I subsequently decided to use these women's' stories but

[5] See section 5.2.3. for more information with regard to PTSD.

to base my findings on observations recorded during 5 months of active participant observation. A detailed and extensive set of field notes taken during this time served as supplementary data at a later stage.

2.1.4 Timeframe

Fieldwork was conducted between late June and October 2003. A few hours were spent at the field sight on every second day in order to minimise uncertainties and decrease any fears of the 'unknown' both within myself as well as the women (Devereux et al, 1993: 10). In this way I familiarised myself with the day-to-day activities of the women and their children as well as the administration. Omitting a day or two of visits immediately sparked disappointment amongst the women. Despite the high turn-over of women coming and going from the center, close ties were established with approximately 90% of the residents. The development of these relationships that were based on trust and were reciprocated by the women, took no less than approximately 3 months to unfold between myself and each newcomer.

2.1.5 Scope and Limitations

Though SR presented me with a very pleasant working environment by enabling me to determine my own visiting times and accessing individuals, a few limitations were noted. These limitations were directly linked to the reality of working with asylum seekers rather than the physical location.

Firstly, the language barrier created an often irreconcilable distance between the women and me. Though I speak French well enough to have a coherent conversation, women often spoke to each other in Kinyarwanda or Swahili when doing washing or cooking- automatically (yet unintentionally) excluding me from day-to-day conversations. Some women could not speak English at all and so conversation was limited to sign language or French. While this posed a technical problem and I surely would have benefited from an ability to speak one of their languages, I never felt left out. One of the women usually took the responsibility of translating for me or would explain what was being spoken about. This limited the extent to which I could obtain a first-hand understanding of their culture, their fears and day-to-day concerns. On the

other hand, the challenge of communicating with women through sign language or the few words common to our languages enabled me to establish relationships with them too. This was particularly noticeable with Alphonsine, who I initially thought disliked me on the grounds that she never returned my smiles or gestures until her daughter took a liking to me. While sitting in the sun at the center one afternoon she sat down behind me and began plaiting my hair. I was eventually presented to the other women with an African hair-do and my own strong feeling that I had achieved a breakthrough with her…initiated by her and despite our non-knowledge of each others' languages.

Secondly, I lacked a reliable and well informed supervisor (such as a manager) who was able to fill me in on some of the more serious issues and could guide me in my activities with the women. Though both the manageress and her administrator were capable women, I felt they both lacked the necessary expertise on some of the more complex issues surrounding the refugee women at the center (i.e. their backgrounds, cultures and religions, relations with each other etc). While I shared a very warm relationship with both women, I was alone in terms of discovering and understanding the deeper issues that face these women as well as the greater context in which they function. Much of the time spent at the center was valuable since it presented me with opportunities to learn more about the women (such as picking Agate up from maternity hospital, taking Violette and Asterie to Home Affairs and joining the women at Women's Day and World Refugee Day celebrations).

Thirdly, coming from the socio-economic background that I do (i.e. being a privileged, white South African) put me in a different position than all the other women at SR. Though I tried as best I could to appear neutral in my clothing and general appearance, I felt like an outsider by virtue of my socio economic background. As Reinharz (in Espin 1992: 10) states; 'our race, class, religion and gender predispose us to consider some settings more interesting and important than others'. While I would like to believe that this paper reflects a broad appreciation and interest of the setting as a whole, there are undoubtedly parts that another researcher would have placed more or less focus on.

It should also be noted that this research is limited in that it is based on findings originating from a small community of Rwandan refugee women. Their experiences are by no means universal to all refugee women from that country or the rest of the world. However, the Rwandan community in Cape Town is closely knit and during my time at Sanctuary Retreat I met approximately 40 women, many of whom shared their experiences with me and used other women's stories to elaborate upon their own.

2.2 Literature Review

Literature from a diversity of disciplinary backgrounds was consulted. Publications from various international non governmental organisations such as the Red Cross, Amnesty International and the UNHCR were useful in comparative terms and in highlighting some of the practical challenges women face during flight. Few texts refer specifically to refugees in South Africa or point out the additional hardship women refugees' face while in the country. However, the above sources presented a variety of international case studies and real life experiences, as well as the different mechanisms in place to combat the global refugee crisis.
Academic texts in the form of journal articles, conference reports and books have emerged from the law, political science, anthropology, sociology and environmental science backgrounds and delve into a very broad variety of refugee related issues. However, the most acclaimed texts in the field of gender and refugee status originate from a select few authors (Thomas Spijkerboer, Heaven Crawley, and Audrey Macklin). Lastly a small selection of policy documents and judicial documents were consulted to establish the exact nature of refugees' current rights and obligations.

It is important to mention that the literature review was compiled of that literature which was readily available at the local library and during the 6 month period during which research was done. Though this library is well resourced and helped me locate important readings, some texts (by authors such as A. Macklin, R. Cook and D. Indra as well as crucial publications by the UNHCR and Amnesty International) were not available on South African shelves and databases. An attempt has been made at utilising the most fundamental texts.

3. Literature review

The following pages contain a review of the central arguments brought forward by a number of authors on the topic of women refugees. In order to understand the nature of this literature, a coherent review requires one to begin by looking at the disciplines through which refugees are studied as well as the way in which the term 'refugee' is commonly used. More important to the literature surrounding women in particular is setting the theoretical context in which refugee women have been analysed. The chapter will be concluded by a summary of Rwandan's history leading up to the genocide in 1994 and to illustrate the grave nature of the situation the mentioned women left behind.

Though refugee studies as a separate field is gaining momentum, the focus on women therein is still minimal. The dominant approach is political in nature and International Relations (IR) Theory based, while the approach taken for this research report is humanitarian and focuses on lived experiences of refugee life. In discussing the myriad of factors that shape their lives, this section is holistic rather than specific and touches on a wide variety of important viewpoints. This approach stands in direct contrast to that used in the majority of the available literature, most of which is limited in scope and depth: authors delve into only legal/ political or feminist approaches, rather than combining all three. Additionally this report integrates gender as a particular dimension within refugee studies. Authors such as Spijkerboer, Crawley (2000/2001), Callamard (1999), Cohen (1998/ 1999), Buijs (1993) , Valji (2000), Nowrojee (1996), Crush (2000/2001) , de la Hunt (1997-2003), Hamilton (1999), Palmary (2003), Wambugu (2003), van der Veer (1992), Espin & Rothblum (1992), Forbes Martin (1995), Franz (2003), Seu (2003), Oswin (2001) and Ley (2003) have made valuable contributions to the discourse of the last 20 years covered below.

Due to the fact that this report is based on a case study of women refugees, the focus is not on gender relations between refugees, but rather on the specific experiences of refugee women. While the term gender is used freely by many authors, the focus is

almost always on only women rather than men *and* women, as suggested by the definition of *gender* as a concept.

3.1 Who is a refugee?

It is important to state for clarity purposes that this paper (both the selected literature and the research) deals with asylum seekers and refugees, rather than migrants- a distinction that is often blurred in African studies of human movements. While migrants are individuals leaving their home for mostly economic and environmental purposes and usually intend on (voluntarily) returning there after a specific period, refugees and asylum seekers are individuals who leave their home country and flee to another in search of protection from persecution. 'They are forced by factors and circumstances beyond their control to seek sanctuary in other parts of the country or beyond the borders of their countries of residence. This category includes refugees and internally displaced persons' (Akokpari, 1999:75). Within this category are asylum seekers whose application for refugee status has not yet been processed. Each country has a specific set of 'criteria' an individual must fulfil in order to be granted refugee status. The determination process[6] frequently takes a long time to finalise, depending on the administrative capacity of the given Department of Home Affairs (DHA) (Quint 1999:5, de la Hunt, 2002:7). Refugee status is determined by a specially trained refugee status determination officer.

Save for a few details (which are elaborated upon below) the UNHCR's definition of a refugee has been accepted by most authors (Palmary, 2003) as a solid foundation. In terms of Article 1 of the 1951 UN Convention Relating to the Status of refugees, a refugee is someone who:

> **'…owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unable to return to it'.**

[6] This is the process whereby refugees are given a chance to prove their nationality and upon which status will or will not be granted.

In Africa and South Africa, the definition was extended through the 1969 ratification of the OAU Convention by African states. The OAU Convention includes the UN 1951 Convention but broadens it to include any person who:

> **'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality'.**

In terms of extending the scope of the definition and thus the people it seeks to protect, the OAU definition is an improvement over the UN Convention, as it includes people seeking sanctuary across borders for environmental, political and economic reasons, rather than just political. 'However, both definitions are still deficient because they emphasise the crossing of national borders as the main criterion for attaining refugee status, thus explicitly excluding internally displaced persons' (Akokpari, 1999:76). That neither of these definitions, nor the larger frameworks they are taken from place special emphasis on the precarious situation of women and children ought to be regarded as a cause of serious concern (Crush & Williams, 2001). This is particularly problematic for refugees fleeing conflicts where their gender is used as a ground for discrimination. In a country such as Rwanda, where the Hutu militia were committed to the physical and psychological humiliation and extermination of the Tutsi minority, and where women's sexual abuse was instrumental to achieving this, women seeking refuge ought to be given preferential treatment (African Rights 1994). Thus gender should be one of the 'particular social groups' that the UN Convention refers to.

With the shear mass of asylum seekers arriving in South Africa each month and the backlog the Department of Home Affairs (DHA) is experiencing in processing applications, most people who consider themselves refugees have not yet been given refugee status and thus remain asylum seekers. The fact that applying for refugee status at the Cape Town DHA refugee division can take an entire day (provided one is granted entry into the building in the first place) deters many individuals from seeking legal status (Quint, 1999). The result has been a steady increase in the size of the community of illegal asylum seekers whose 3 month permit has expired and who are thus in the country without any formal or legal backing. However, the situation is not as dire as in other countries in Africa such as Zambia and Tanzania where the

existence of numerous refugee camps has a magnetic affect on migrants and refugees (Crisp, 2000). In South Africa the situation is severed by 'those who don't register with the authorities, mainly economic emigrants that, according to authorities, are a real cause for concern. Unofficial estimates put these anywhere from two to three million' (Kanuma, 2002:1).

The difference between being an asylum seeker and having refugee status is not inconsiderable and ought to be looked at in some detail. Section 15 (1) of the 1998 Refugees Act titled ' Refugee Status and Identity Document' are dealt with in more detail in the section titled ' Refugees and the law in South Africa'.

3.2 Different Approaches to the study of refugees

It is striking that the literature covering the refugee discourse today contains very few references to gender. Save for a small number of authors, there is consent surrounding the idea that women refugees ought to be attributed special attention and that gender and status determination form an integral part of refugee law (Spijkerboer 2002, Crawley 2000, Nowrojee 1996, Hamilton 1999, Crush 2001, Valji 2000, Wambugu 2003). While most authors approach the study of refugees in notably different ways, what they have in common is their empirical rather than theoretical foundation: very few refugee related texts rely on theory for more transparency. This stands in marked contrast to migration studies which has evolved as a discipline over a longer period time and which is today approached with a multitude of theoretical frameworks.

Texts emerging from a political science background generally cover a wider range of topics related to refugee studies (Ager 1999, Cohen & Deng 1998, Blavo 1999, Nobel 1987). Among these are issues such as refugee camp dynamics, the politics implied in the provision of aid to refugee hosting countries, sovereignty and state obligations with regard to international relations etc. Few of these authors make any reference at all to gender as a category within the refugee discourse. A second discipline in this context is law in which a small number of highly regarded publications delve into international frameworks for refugee protection, the analysis of refugee law and policy and the implementation thereof. These authors make extensive reference to international case studies and a small body of gender specific literature is gradually

emerging in this field. Spijkerboer (1994 and 2001), Macklin (1995), Crawley (2000 and 2001), Valji (2000) and Nowrojee (1996) elaborate on such aspects as the definition of gender in refugee law, gendered discrimination, the construction of the women asylum applicant and various aspects of the more personal realm such as sexual orientation, gender and sexuality, female genital mutilation, domestic violence and rape. Their overarching argument surrounds the notion that the omission of gender within the term 'refugee' has caused refugee women to experience various forms of discrimination both in terms of international assistance as well as physical and material protection.

A variety of publications have been commissioned by Refugee related NGO's such as the UNHCR, the Red Cross, Amnesty International and a variety of smaller bodies (Forbes Martin 1995, Moore 1998, UNHCR 2000,). These texts contain important contributions from officials that have worked in the field and have thus obtained extensive insight into the main challenges and successes that are part of the wider framework. Here more pragmatic issues such as the politics of aid, food distribution and safety in refugee camps, human rights and the analysis of past developmental initiatives are dealt with. These publications are based on real experiences in the field; they often contain a very personal touch and include first hand case studies. Apart from UNHCR policy recommendations and publications, a select few texts deal with refugee women in particular.

Lastly, a small body of literature has emerged from a feminist background. Two recent local journals ran features specifically related to the challenges faced by women refugees both in South Africa as well as further a field. Fundamentally this discourse has developed as a critique of the existing socio-legal framework (the absence of gender in the Refugee Convention) and delves into such issues as the construction of the refugee woman, gender based persecution and exile, the meaning of traditional roles in the refugee context and the reasons for the limited consideration of women in the refugee discourse (see Wambugu, Ley & Garcia and Palmary in Agenda No 55., as well as Franz and Seu in Feminist Review Vol. 73). Franz (2003:86) explains that the feminist approach involves 'examining how the law fails to take into account that the experiences and values which seem more typical of

women than men, or how existing legal standards and concepts might disadvantage women'.

This particular paper takes into account all these approaches, in order to create a multi-disciplinary analysis of the female refugee experience. However, publications by Thomas Spijkerboer and Heaven Crawley stand out as particularly useful since unlike most texts, their holistic, sensitive and committed approach to women refugees is not only pleasant to read but easily accessible and to the point. By taking into consideration the wide diversity of concerns raised by the various disciplines and these authors, I hope to create a comprehensive and democratic approach to the upliftment of women refugees.

3.3 The evolution of the concept of gender in the refugee discourse

In the available literature covering refugees, international forced migration and displacement, it becomes evident that until the mid 1970's, women were completely invisible to the discourse (Callamard, 1999). Only after this time were women refugees gradually mentioned in written texts, while the actual climax was to come only much later. Up and until then, the term 'refugee' had no gender attached to it and little attention was given to the particular needs of women within refugee policies and conventions. When women were mentioned, they featured as dependants of men rather than as mothers, wives and individuals with specific needs. The term 'gender' refers to the social construction of power relations between women and men, and the implications of these relations for women's (and men's) identity, status, roles and responsibility'(Crawley, 2000:17). More importantly however, gender roles are context specific causing definitions and to vary across space and time.

Parallel to the collapse of many African states due to war, economic decline and large scale corruption, developed the need for host governments to draft policies specific to the influx of refugees. During this time, the existing position of women in society was being challenged by feminists and gender advocates in Europe and the Americas.

In the late 1980's a small body of literature began to explore and analyse the gendered nature of the refugee experience. It was predominantly through publications by such

organisations as Amnesty International, the Red Cross, the Women's International Network and smaller refugee related think-tanks that women refugees were attributed a special status. During this time the foundation for a gender specific refugee policy framework was laid. The proclamation of the United Nations decade for women, followed by the Nairobi conference on Women in Kenya in 1985 highlighted the situation of refugee women as an area of special concern and gave momentum to local and international efforts to develop gender sensitive refugee policies.

Academic texts delving into critiques of refugee policies and analyses of the gendered refugee experience developed in the last 1980's. Only then was the role of women in the public/private sphere, the plight of women in under-developed countries and as refugees in particular challenged and re-examined. This decade gave birth to the UNHCR's *Guidelines on the Protection of Refugee Women* in 1991 which emphasised the fact that gender-based persecution is rife and should be recognised by refugee-receiving' states as a basis for asylum . 'While calls to have 'gender' added to the refugee definition's list of specific grounds of persecution have been unsuccessful to date, those feminists who have sought to incorporate women's experiences into refugee law can claim success on various other fronts (Oswin, 2001: 350). It was in Canada where the ice was finally broken: in 1993 the Canadian Immigration and Refugee Board issued its groundbreaking *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* 'which were the first national guidelines to formally recognise women fleeing persecution because of their gender' (Crawley, 2001:13). This came at a time when Africa, plagued by civil wars, insurgencies, coups and military take-overs saw the highest number of refugees: in 1995, the continent was home to an estimated 11, 8 million refugees[7], compared to 3 million in 1983 and 4.5 million in 2002[8].

Today a body of predominantly women authored literature exists and challenges 'the implicit assumption by some of those involved in the refugee determination process

[7] These figures vary considerably across different sources but have been obtained from an article in the Sunday Independent titled 'Refugee Day marks UN's solidarity with Africa' on May 25th, 2003. 1995 figures were particularly high due to the violent wars taking place in mainly Liberia, Somalia, the DRC and the genocide in Rwanda.

[8] The Statistics relating to refugees both locally and internationally are highly subject to inaccuracy and manipulation. For a discussion of this see Crisp, J. 1999. Who has counted the Refugees? UNHCR and the Politics of Numbers. New issues in Refugee Research, 12.Geneva: UNHCR.

that gender does not make a difference to the experience of being a refugee' (Crawley, 2001: 1). Authors focus on a broad variety of international case studies and theoretical frameworks most of which have one main idea in common: to highlight the need for a gender-specific policy framework in order to protect the most vulnerable of refugees: women and children.

The fact that the discourse surrounding refugee women climaxed during the late '90's both in terms of the amount of existing research as well as the approach taken, explains why the literature review below draws on very recent writings.

3.4 Refugee women: the double fight, uprootedness and the meaning of flight

For most refugee women, 'the refugee experience requires continuing response to change, including the need to cope with traumatic new circumstances' (Forbes-Martin, 1995:7). The majority of these women are also mothers and wives and responding to the change referred to here is a three-fold process: apart from having to adjust themselves to the new challenging environment, women face the responsibility of conveying a sense of security upon their children and maintaining a domestic relationship with their spouses. This is an element that refugee women across the globe have in common. Wambugu (2003:28) refers to this process as a 'double-fight', especially with regard to accessing basic necessities such as food, shelter and clothing for themselves and their children, as well as coming to terms with their new emotional condition.

Seu (2003:73) refers to the changes experienced by refugee women as 'transition' in both a material and physical sense and argues that their material transition occurs at a level of representation and emotion. 'These transitions affect both the refugees and the community they enter…thus it is important to ask how people understand and negotiate these transitions'. Seu applies a social constructionist view when she states that 'what people are saying is not representative of the individuals' personality or personal attitude, but is based on current available narratives and underlying discourses people use 'to make sense'. It is perhaps necessary to distinguish between different contexts rather than to dismiss all narratives as in some way purposefully

constructed: a woman is likely to prepare herself adequately for a status determination interview by researching previous experiences of friends/family. However, the narrative she presents to a government official is likely to differ considerably to the one she shares with a compassionate female social worker for example.

In comparison to Seu (2003) and working with a more humanitarian model in understanding the issues refugee women experience during and after flight, Espin (1994:11) suggests the consideration of the following questions:

- What does it mean to leave a place of origin or birth?
- What inspires women to take the risk of leaving a familiar culture for the unknown?
- How do women survive the psychological and physical changes of the journey to refuge?
- What are the costs and benefits of survival

Once these issues have been taken into account and possible answers have been sought, the profound feelings surrounded by 'uprootedness' (Espin, 1992) and 'transition' (Forbes Martin, 1995) felt by refugee women, unveil themselves to the researcher/ practitioner. However, fully grasping what is entailed in the above questions is difficult not only to the researcher, but even more so for the women themselves. The process of self-reflection that is required to make sense of the masses of emotional upheaval of uprootedness requires at the very least, physical peace and the absence of fear. By uprootedness, Espin (1992) refers to the feeling of not fully fitting in or feeling comfortable in ones new environment and that most of the time the individual is oblivious to this feeling. This is influenced not insignificantly by the every day absence of familiar smells, foods and routines, which could serve therapeutic purposes if maintained in the host country[9] (Buijs 1993:4, van der Veer 1992: 101).

[9] Striving for the continuity of such day-to-day activities was observed during my time at SR: women spent a considerable portion of their day washing, gardening and cooking in little groups. In this way they immersed themselves in familiar activities in order to keep themselves from thinking too much of their new, often unpleasant, situation.

Coupled with financial hardship and ensuring an education for their children, women are forced to invent lasting coping mechanisms. These may differ according to 'pre-existing factors such as personality traits, culture and family background (Espin, 1992:15) '. Each woman has a very unique way in which to deal with her new state of affairs- while some are easily able to overcome their harsh experiences, others may suffer serious psychological damage that may require committed medical attention. Coping mechanisms may also be culturally influenced: while some cultures advocate healing through social withdrawal, others require the verbal exchange of pains and fears as an appropriate method (van der Veer, 1992:101).

In the context of counselling refugees, van der Veer (1992:102) explains the importance that culture plays in this context: 'every culture has its own set of approaches. If for example the interpretation of dreams is used as a technique, then the therapist should first understand how dreams are interpreted in that particular culture'. Though cultural sensitivity may easily be mistaken for cultural bias, recognising the importance of culture and the likelihood of culture shock while working with refugees, is crucial. Van der Veer (1992:102) defines culture shock as 'the violent emotions which can occur in people who find themselves in a strange cultural environment. This term gives a dramatic description of the emotional upheaval and identity problems that may be problems of cultural uprooting'.

It is suitable to differentiate between complicated and uncomplicated culture shock. Uncomplicated culture shock refers to the reaction in people who made a voluntary decision to relocate and undergo challenges in fitting into their new surrounding just like anyone else would, while complicated culture shock refers specifically to forced flight and the added difficulties of being forced to have to fit into a community or surrounding void of familiarity. Even stronger than mere culture shock is the feeling of loss. Espin (in Cole et al, 1994) and Coelho (1982), who undertook research on culture shock among foreign students in the US argue that these types of emotions often have a profoundly negative meaning for the individual and may be characterised by the word loss. This loss can manifest itself in the following regards:

- Loss of love and respect (especially if separated from the family)
- Loss of social status (which may be accompanied by discrimination)

- Loss of the familiar social environment with its' mutual obligations and dependencies which gave meaning to life.

This sense of loss (Buijs 1993: 4, Callamard 1999:196) be it conscious or subconscious, has serious consequences both for social integration, domestic relationships and economic aspirations. 'As a result of the loss of familiar cultural backing, the ability to integrate new experiences is reduced: familiar frames of reference cannot be applied to the flood of new experiences and impressions' (van der Veer, 1992: 103).

The extent to which a women deals with her experiences and her perception of her loss during and after refuge impacts heavily on the degree of self-sufficiency she is likely to obtain. Here coping mechanisms and the support network a woman may have in friends and family can be deciding factors. Though refugee women can supplement their household income with a variety of formal and informal income generating projects, the decision to uplift themselves is one influenced by the individuals readiness to embrace a new life and a new surrounding. However, refugees constantly take into account their hopes and prospects for repatriation and resettlement; most anticipate a return to their country of origin. They often prefer not to commit significant resources to a project in the country of asylum, particularly if it calls for a long period of commitment (Forbes Martin, 1995: 52). Looking for work and then working, places strain on mothers and single mothers in particular. Having to leave young children with neighbours or friends while searching for work may be uncomfortable if not impossible. Where children are unfamiliar with their surroundings and do not speak local languages, mothers have to resort to strict and often painful measures to ensure they can earn a living.

Women who performed a practical skill such as sowing, cooking or baking in the home country, may find it easier to find work in the local economy than professional women (such as teachers, secretaries and nurses) who are constrained due to mainly language related issues and levels of training. Women from the developing world, seeking refuge in first world states will find it particularly hard to find formal employment, since their competencies may not be compatible with modern systems (Forbes Martin, 1995:52). Subsequently many women resort to arbitrary types of

labour for which they are overqualified but which provide them with much needed income.

3.4.1 The private/ public dichotomy within the discourse

Crawley (2001: 17) states that 'the particular difficulties facing many women as asylum seekers stem not from the absence of 'gender' in the refugee Convention's grounds but rather from the failure of decision makers to acknowledge and respond to the gendering of politics and of women's relationship to the state when applying that definition to individual cases'. In understanding the persistence and continuity of this failure authors have applied the public/ private dichotomy. This is used to refer to 'the distinction between state and society as well as between non-domestic and domestic life. Within these dichotomies, the State is regarded as public, while the family, domestic and intimate life, are conceived as private.

This distinction has its' origins in the liberal theory of international relations and though it contains a number of arguments, the foundation surrounds the notion of the separation in the relationship between individuals and the state. In an exploration of gender in liberal theory, Tripp (1994: 150) elaborates on the shortcomings of this approach in that 'it has failed to consider how 'public' and 'private' are constructed so as to exclude women from notions of public life that appear to be universal'. This exclusion has seen participation and acknowledgment in the public sphere as governed by 'universal, impersonal and conventional criteria of achievement, interest rights, equality and property-liberal criteria, applicable mostly to men'. The real problem arises, when as Crawley (2001) and Palmary (2003) point out, this ideological view presented from a male perspective is utilised by practitioners to justify ignoring the political nature of family, the relevance of justice in personal life and gender inequalities.

The separation between private and public is particularly pertinent to the African continent, where there is minimal contact between the two and where many states have completely neglected their responsibilities towards their citizens. In Africa the public and the private are mostly two separate, though fluctuating entities. Alternatively Tripp (1994:151) suggests, the entities are connected only in so far as they benefit men at the expense of women. However, when the public situation

reaches a stage where war impacts directly on the private sphere, becoming dangerous and threatening to the individual; and the state fails to intervene, this relationship (though indirect and non-real) becomes active. Ultimately then the failure of the one is the production of the other: the public has thus created the private. The proximity created between the public and the private in such a situation, is not recognised by private-public theories and this has certainly influenced the non-inclusion of gender into the refugee discourse. Valji (2000) concedes, when she argues that 'such [gender based] persecution has regularly been sidelined by the argument that the element of state responsibility required to appeal for international protection does not exist in cases of private abuse'. In a discussion of nationalism and asylum, Palmary argues that 'it is ironic that despite the way in which women are implicated in nationalism, they are remembered only in a way that reinforces, or at least does not challenge, the public private dichotomy, with women's place deemed to be in the private sphere of home and family'(2003: 6).

Furthermore, Crawley and Oswin argue that there is a problematic consideration in the implied boundary between the public/private dichotomy and binary categories in general. Laurie et al (1997, in Crawley 2001) state that 'binary categories suggest the existence of discrete absolute spaces and depend on the drawing of sharp lines between the two halves within the binary category. These lines are like boundaries or fences, drawing a line between the private and the public'. Binary categories are commonly presented as if they were fixed and unchangeable, while they are in reality political and ideological constructions which are gendered and have gendered consequences. In actual fact the boundary between the public and the private is not as clear as is often presented-there is a continuum between the two. Apart from the fact that the boundaries fluctuate and are subject to change, they move and alter across space and time. One need only compare the private/public sphere of Europe today to Europe 200 years ago or observe the development of different states and cultures globally, to understand these fluctuations.

However, the fact that the division of the private/ public dichotomy is still firmly grounded in the refugee discourse and that many policy makers and practitioners still perceive the existence of this division between private and public, presents advocates for the creation of a gender sensitive refugee discourse with a considerable challenge.

Franz (2003) adds another problematic binary duo: that of 'refugee producing' and 'refugee receiving' states. The patent distinction between the two categories- ultimately first world and third world states, 'enables the simplistic analyses which place the blame for population displacement squarely with the 'refugee producing' state (Oswin, 2003: 352). The author argues that because first world, western states can receive refugees, these countries perceive themselves as superior since they do not produce refugees. This necessarily implies an 'us' vs. 'them' dichotomy.

An added complexity here is what Spijkerboer (1994:31) has termed the 'privatisation of sexual violence by state agents'; an act that has become an integral part of modern warfare and was particularly evident during and after the Rwandan genocide. The author states that sexual violence used by officials on minority and opposition groups, is not considered a state act as it takes place in the private sphere of two individuals: 'it is up to the citizen to prove that this was a state act. That however is impossible: how can an applicant prove that an act is a state act, except by stating that it was committed by a state agent'? Again the private (the individual) and the public (the state) spheres shape this problem despite the fact that they are mere conceptual categories. They add complexity to the topic, especially since the state can easily claim innocence in these acts. Valji (2000) concurs when she adds that 'in modern warfare, the use of rape as a weapon is becoming widespread, yet the nature of the crime has led almost automatically to the assumption that it is a 'personal crime as opposed to a state sanctioned tactic'. What results (in the Hutu-Tutsi discourse of post-genocide Rwanda) is a situation where Tutsi women are sexually abused by Hutu men due firstly to their ethnicity and secondly to their gender (Nowrojee, 1996). Though the added humiliation on the community and family of the victim is deliberate and though the act may not be state ordered, it still forms part of a process aimed at extinguishing the opposition group. The victims, women and young girls are powerless as they have no way of proving that this act was state sanctioned.

3.4.2 Gender based violence and discrimination

As deplorable as it may seem, rape and sexual abuse have, during the past decades become popular political tools in war torn states across the globe. Particularly hard to understand within this particular context and in line with the private/public discourse

referred to above, is the frequent labelling of rape and sexually based violence as a domestic affair, even when executed by politically active groups on political grounds. These methods are not unique to Africa and were used by Soviet soldiers on Iraqi and east German women in 1945, by Pakistani soldiers on Bengali women in 1971 and on Kuwaiti women by Iraqi troops in 1990 and 1991 (Turpin, 2003). The problem in predominantly developing contexts is the erosion of state control over the extended dimensions of a given conflict: a woman associated to belong to an opposition group, who is raped by a non-official government supporter, becomes the victim of an indirectly state sanction crime. As this person is a private person, she has no ground for appeal. 'If a private person commits a harmful act this does not constitute persecution as such, as the responsibility for private acts cannot automatically be attributed to the state' (African Rights, 400:1994).

A particularly haunting depiction of the use of rape as a war tactic is presented in most accounts of the Rwandan genocide and the period surrounding it. Rape was not the only form of abuse: torture, abduction, girl-trafficking, psychological torture and mutilation were all used in abundance by the Rwandan regime and many others. While a multitude of sources (Adams 2002, Nowrojee 1996, Forbes-Martin 1994, Amnesty International 1997, Gourevitch 1999, African Rights 1994, Spijkerboer 2000) delve into great detail in describing some of the methods used, and refer to various cases, I will refrain from doing the same.

The Women's International Network News (henceforth WINN), finds fault in the implementation policies supposedly protecting refugee women and has purposefully broadcast to expose the plight of refugee women. 'There are institutional and attitudinal changes that need to take place at UNHCR (…). The mere enunciation of a policy is not sufficient'. This was expressed by Roberta Cohen, author and human rights specialist, who recently reviewed the UNHCR's policy on women refugees. In line with Spijkerboer (1994: 21), who states that 'sexual violence is beyond doubt a grave breach of the fundamental human right not to be subjected to cruel, inhuman or degrading treatment of punishment', these authors explain that sexual violence constitutes torture in that it is an intentional pain-inflicting act and that it should be attributed to the state. Justice Richard Goldstone, prosecutor for the International Criminal Tribunals for the Former Yugoslavia and Rwanda has recognized that rape

indeed constitutes a form of torture under the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. Goldstone stated at the time that the International Criminal Tribunals would prosecute rape as a form of torture where appropriate (Nowrojee, 1996: 16). It appears that the international community in all its' facets and backed by refugee law, is unanimous in declaring rape an act of persecution, however the issue has not been dealt with sufficiently. Rape is not treated in the way a crime of such gravity ought to be. Crawley concedes when she states that 'it is important to recognize that the underlying problems experienced by women stem not simply from the fact that they are women per se but from the conceptualization of key elements of the Refugee Convention and, in particular, the concept of politics (2001:20)'.

Women who have been raped are commonly unwilling to talk about their pains and rarely seek medical attention. An added problem is that it makes counselling and support, where available, so much harder (van der Veer, 1992). Women who have been raped are frequently ostracised by their families and communities on the grounds that they have committed adultery and are thus impure.

Having looked at the challenges facing refugee women in general, the following section explores the experience of Rwandan women in particular. In order to illustrate the cause and depth of the genocide which led to wide scale gender based violence a brief summary of Rwanda's history has been provided.

3.5 Introduction: Rwanda and the Great Lakes conflict

The Rwandan genocide executed during April of 1994 is one of the darkest and most despicable events human beings on this planet have had to endure. It is said that approximately 75% of the Rwandan population of seven million people were killed, displaced or driven into exile by the Hutu militia and the Armed Forces (FAR- Forces Armées Rwandaise) also known as the 'genocidaires'. Though the brutality of these killings, exercised mainly with machetes and in cooperation with torture, rape and abduction was soon observed by the international community, their self defined failure in responding effectively to this crisis and halting the killings, is today considered to be amongst the United Nations most condemned letdowns (Dallaire

1998, Gourevitch 1999). Elaborating on this non-success, Charles Villa Vicencio (2003: 14) from the SA Institute of Justice and Reconciliation states that 'the UN Secretariat questioned the validity of the information supplied, prepared no contingency plans for worst-case scenarios and failed to provide adequate guidance to the members of the UN Security Council. Belgium withdrew its' forces from the UN peacekeeping initiative after 10 Belgian soldiers were killed (…) and the US, having lost 18 soldiers in Somalia in October 1993 was unwilling to participate in any new peacekeeping missions to Rwanda'. This resulted in General Romeo Dallaire, head of the UN peacekeeping force UNAMIR[10], stating that 'not one country on earth came to stop this thing. The western world provided me with nothing'.

Both geo-strategically (in terms of the landlocked nature of Rwanda and the crises looming in neighbouring Zaire and Uganda) and on a humanitarian level, intervention in the genocide would have presented the UN Security Council with a tremendous challenge. The fact that Zaire, Uganda, Burundi and Rwanda had been experiencing bloody coups, military takeovers and ethnic clashes for the better part of the last century intensified this challenge. However, non-intervention resulted in the orchestration of one of the worlds' largest killing campaigns. The exact origin of this deeply felt division between Hutu's and Tutsi's and the resulting mass murder and genocide has occupied the minds of many intellectuals. While some argue that Rwanda's history and pre-colonial rule played the groups up against each other (Mamdani, 2001, Villa Vicencio 2003, Prunier 1995) others explain that the genocide was not spurred simply by tribalism but rather unequal power relations, indoctrination and fear (Nowrojee 1996, Jones 2002, Martin 1998, Gourevitch 1999).

Though Rwanda's political background is not the focus of this thesis, a short depiction of the countries history will clarify some of the main issues characterising the demise of this central African state and the massive refugee flows it induced. More importantly, no depiction of Rwandan refugee women is complete without including briefly the past that underlies their hardship. I will add gender as an important variable within this depiction at a later stage, as I maintain that it was mostly in the run-up to the genocide that women were used as political tools. The

[10] United Nations Assistance Mission to Rwanda.

events leading up to the genocide explain to a certain degree how this tragic event unfolded.

3.5.1 A short history of Rwanda

3.5.1.1 Rwanda or Musozi (The land of the 1000 hills): the emergence of ethnic cleavages[11]

It is said that in 1000 BC Bantu speaking people from central Africa settled in the fertile highlands of what is today Rwanda and developed as cultivators. They became known as Hutu's and soon formed the majority of the Rwandan population. In 1400 the region was joined by a new cultural group who became identified as Tutsi's. Most sources suggest that initial coexistence was peaceful, that intermarriage occurred and the common language 'Kinyarwanda' was spoken. By 1900 a kingdom had emerged and encompassed (after years of accumulation) half the area of present-day Rwanda. A system of *ubuhake* developed whereby clients received cattle and protection from a patron and in return owed the patron their loyalty and service. This system of clientship spread in association with increased control over land by political authorities: the patron (shebuja[12]) was typically a Tutsi, while the client (mugarugu) could be either Tutsi or Hutu. In this system, '*tutsification*' was an option: a Hutu who gained significant wealth and married a Tutsi woman might over time come to be regarded as a Tutsi. This process was called *kwihutura*[13] and as it took generations to manifest itself, few really attained new status. However, the reverse was also possible: where a Tutsi family lost its' cattle and fell on hard times, it might come to be regarded as Hutu. In this sense Hutu and Tutsi identity was not defined by birth, though high status and political power remained firmly associated with Tutsi identity.

3.5.1.2 Colonial Rule: Germany and Belgium

At the 1883 partition of Africa, the Great Lakes became one of the most contested regions, mainly because power was sought over the source of the Nile River. The UK

[11] Information for this section was obtained from Kate Huttle's short history on Rwanda and Charles Villa Vicencio and S'fiso Ngesi's chapter titled 'Rwanda: Balancing the weight of history'. Both references are sited in the reference list.

[12] In the client patron relationship, the shebuja was the lender with respect to cattle, and the prestationer was the mugarugu. In return for protection, the shebuja received prestations from his mugarugu, which included ploughing field for the lord, rebuilding and repairing his hut and travelling with him on journeys. Failure of the mugarugu to fulfil his obligations would cause the shebuja to take his cattle back. The shebuja was also the administrative chief.

[13] The process by which a Hutu sheds his Hutu-ness. The process reflects an upwardly mobile Hutu who has worked his way into the Tutsi aristocracy. The term has its antecedents in the past and reflects a pre-1959 political consciousness

and Germany decided to split the region and while the former took over Uganda, Germany became the colonial ruler of Rwanda and Burundi. Thus Tanzania and 'Ruanda-Urundi' became 'German East Africa'. However, during the second half of the 19th century, the Tutsi King Rwabugiri's administration (1860-1885) had imposed a harsh regime on the formerly autonomous Tutsi and Hutu lineages through the confiscation of their land, which resulted in breaking their political power. The king manipulated social categories and introduced an 'ethnic' differentiation between Hutu's and Tutsi's based on historical and social position. Tutsi was used to describe a person rich in cattle and belonging to the elite group (Villa Vicencio et al, 2003: 10). The arrival of German Roman Catholic missionaries in 1900, who took Tutsi political dominance as well as their typical tall thin stature as an indication of Tutsi racial superiority, further deepened the divisions between the two groups. While the Germans showed little interest in their colony and lost it to Belgium after World War 1, Belgium applied its classic strategy of 'divide and rule' and begun to rely heavily on the Tutsi minority to collect taxes, recruit labour and maintain social order. 'The Belgians viewed the Tutsi as an aristocratic people with a natural aptitude to rule. They identified them as 'Europeans under black skin' and used them as administrative officials. Hutu's were excluded from any privileges' (Villa Vicencio, 2003:10).

In 1933, the Belgian administration began to require all colonial subjects to carry passes identifying themselves as either Hutu or Tutsi. This meant that 'tutsification' was no longer an option: ethnic identity became absolute and permanent. (These identity cards were retained into the post-independence era, and provided crucial assistance to the architects of genocide as they sought to isolate their Tutsi victims). Limited places in schools and curricula that were more challenging were given to children of the Tutsi elite and the adoption of Christianity became an important goal. This was a way of ensuring that the Tutsi elite associated with the monarchy and the civil services and shared the views of the colonisers. In 1945 Ruanda-Urundi became a UN Trust territory under Belgian control and only through increased contact with the international community, did inequalities in Rwanda gradually attract attention.

In 1957, the Bahutu Manifesto[14] written by the Hutu counter elite challenged the Tutsi power stronghold and called for reform. Two parties emerged: the Rwandan National

[14] The Bahutu Manifesto provided ideological justification for the Rwandan revolution.

Union (mainly Tutsi monarchists) and the Party for the emancipation of the Hutu (or Parmehutu). Two years later, the Rwandan revolution, a mainly rural revolt, began to take charge, starting out in the central regions and soon spreading violently to the entire country: gangs of Hutus moved from hill to hill attacking Tutsi authorities and wealthy Tutsi's. After much bloodshed and violence, Belgium recognised Parmehutu and agreed that Tutsi chiefs could no longer be relied on. It was during this time that the better-educated and more prosperous Tutsis led the struggle for independence from Belgium which was eventually achieved on July 1, 1962 under the new presidency of Grégoire Kayibanda.

3.5.1.3 Independence

Kayibanda's First Republic, which existed from independence until 1973, was challenged from the start by the invasion of armed Tutsi refugees who had fled Rwanda for Burundi during the revolution. Trying to counter the threat of such an attack, Kayibanda ordered the murder of 10 000 Tutsis and Hutu moderates. It was perhaps during this time that the first serious flow of migrants began, when thousands of Tutsi's fled the country and the start of a lengthy and brutal elimination campaign.

In 1973 General Juvénal Habyarimana overthrew Kayibanda's regime, established the Second Republic through a coup and two years later turned Rwanda into a single party state under the Mouvement Revolutionnaire National pour le Développement (MRND) which he was to rule for the next 21 years. During the early years the country was stable and relatively peaceful, though the exiled community in neighbouring Uganda and Zaire was swelling and local ethnic cleavages continued to prevail. Many Tutsi refugees were living in Uganda and formed the core of the Rwandan Patriotic Front (RPF) which was determined to win the right to return back to their country. However, in 1986 Rwandan authorities declared that the country was already too overpopulated and economically weak to permit the return of refugees. Coupled with the 1989 drought and the corruption of the Habyarimana government, economic decline increased and before Habyarimana could begin to reform the system, the Rwandan Patriotic Front (RPF) invaded Rwanda from the neighbouring states and tried to seize power. This event, on October 1, 1990 signified the start of the genocide which would climax only in April 4 years later.

3.5.1.4 Genocide

Habyarimana and his followers hoped to use the 1990 RPF attack to rebuild their slipping base of power by rallying the majority Hutu against all Tutsis. Two weeks later, local government officials directed a massacre of Tutsis, the first in a series of killings that would set the pattern for the genocide of 1994. 'A report by the UN Convention on Human Rights and an independent commission of enquiry suggested that the killings portended genocide. The creation of death squads, death lists and hate propaganda provided warnings of a potential genocide' (Villa Vicencio, 2003:13). By 1993 Habyarimana and his circle had put in place all the elements needed for the genocide: a propaganda machine that operated first through the written press and national radio and later through a supposedly private radio station: *Radio Télévision Libre des Mille Collines* (RTLM). *Kangura*[15] magazine published the 'Call to the conscience of the Bahutu People' which proclaimed that Hutu's should stop feeling pity for the Tutsi and that every Hutu who did not join in the anti Tutsi movement was a traitor.

On April 6, 1994, Habyarimana's plane was shot down as he was returning from a peace conference in Tanzania. People close to Habyarimana, including those at Radio RTLM, immediately blamed the RPF for his death but offered no convincing proof of this guilt. The identity of those responsible for downing the plane has never been determined. The killing of Habyarimana served as a pretext to initiate the massive killings that had been planned for months, both of Tutsi and of those Hutu who were opposed to Habyarimana (Nowrojee, 1996). It is said that the killing started only hours after Habyarimana's plane was shot down. 'The slaughter began with the Presidential Guard responding to the death of their president by carrying out a series of reprisal killings of Tutsis and Hutu moderates, political leaders and other people perceived as a threat by the Hutu extremist factions in their campaign for total power. A state of lawlessness, violence and murder spread throughout the country, raging unchecked for weeks' (Dallaire, 1998: 77). Anyone resembling a Tutsi or a sympathizer was instantly macheted to death.

[15] *Kangura* was founded in the mid 1990's and was wholly devoted to fanning the flames of inter ethnic hatred and silencing moderate Hutu voices. Kangura was perceived as the mouthpiece of the most fanatical of extremists and was the first to publish the 'Hutu ten commandments'.

3.5.2 Women and Rwanda's genocide

During the genocide women were subjected to sexual violence on a massive scale, committed by members of Hutu militia groups (*Interahamwe*), by soldiers of the Rwandan Armed Forces and the Presidential Guard. The killings were furthered by political leaders to advance their political aspirations: the destruction of the entire Tutsi group. 'Although the exact number of women raped will never be known, testimonies from survivors confirm that rape was extremely widespread and that thousands of women were individually raped, gang-raped, raped with objects such as sharpened sticks or gun barrels, held in sexual slavery (either collectively or through forced "marriage") or sexually mutilated' (Nowrojee, 1996:1)

There is an unmistakably gendered undertone to the events surrounding the Rwandan genocide: while most killings were executed and geared towards men, women became the predominant sufferers of sexual abuses and rape. However, an error underlies many of the texts analyzing this event: the idea that the genocide was carried out purely by men and that women remained innocent throughout. Referring to quotes about the perpetrators of the genocide, Heather Hamilton (1999) notes that 'they are striking because it is their assumption-based on stereotypes about gender roles in war- that women and children are automatically innocent, and young men are automatically guilty'. This is particularly astounding in the light of information revealed in a 1995 publication by Africa Rights titled 'Not so innocent: When women become killers'. Here it is stated that 'a substantial number of women, and even girls, were involved in the slaughter, inflicting extraordinary cruelty on other women, as well as children and men. Women of every social category took part in the killings. Women and girls in their teens joined the crowds that surrounded churches, hospitals and other places of refuge. Wielding machetes and nail-studded clubs, they excelled as "cheerleaders" of the genocide, ululating the killers into action' (African Rights, 1994:100). Additionally, Mme Agathe Habyarimana, the wife of the murdered president, played a central role in the planning and perpetration of the genocide (Jones, 2001:7). In explaining this un-typical involvement of women in genocide, Nowrojee (1996) writes that the psychological terror imposed upon women by the genocidaires was so indoctrinating that joining in the act was easier than escaping it.

It is perhaps the fact that the majority of murders were carried out by men and that most Rwandan women suffered the added hardship of sexual abuse and gender based persecution that influenced the considerable disregard of the above truths. More importantly, the large-scale rape of women and girls was an integral tool of the Rwandan genocide and one that only women suffered from. 'Rape destroys the fundamental fabric of interpersonal relations that constitute a community. It shatters the sense of security and identity of the victim, and isolates her from her family and community. In addition, the numerous Tutsi women who are pregnant on account of rape will bear children who are the offspring of the men who are responsible for terrible crimes against humanity'(African Rights, 1994: 410).

During the three months of genocide, millions of Rwandan women were exposed to sexual violence on a huge scale, carried out by members of the infamous Hutu militia groups known as the *Interahamwe*, by soldiers of the Rwandan Armed Forces (*Forces Armées Rwandaises,* FAR) and the Presidential Guard and by other civilians (Prunier, 1995:247). Unlike in the case of the killings, there is no evidence that the architects of the genocide had prepared lists of women they wanted to see raped, nor indeed that specific instructions went out to the Interahamwe that they should rape women (African Rights, 1994: 411). Often these crimes were part of a pattern in which Tutsi women were raped after having witnessed the torture and killings of their relatives and the destruction and looting of their homes as an added act of violence and extermination.

WINN explains that rape and other acts of sexual violence can also be regarded as specifically genocidal acts. Genocide is different from other large-scale crimes, not by the actual scope of the acts, but rather by the perpetrators intention of destroying an entire national, ethnic, racial or religious group. 'Because women's bodies are a site for creation and nurturing cultural values specific to a particular national project, they are also the primary site for military penetration (…). This begins to explain the high levels of rape during times of conflict and national conflict' (Palmary, 2003: 6). Though many rapes were the results of random acts of violence, the majority were used as weapons to torture entire communities and Tutsi communities in particular. 'The humiliation, pain and terror inflicted by the rapist were meant to degrade not just the individual woman but also to strip the humanity from the larger group of which

these women were a part. The rape of one person is translated into an assault upon the community through the emphasis placed in every culture on women's sexual virtue: the shame of the rape humiliates the family and all those associated with the survivor' (Nowrojee, 1996). The psychological injuries inflicted on Rwandan rape survivors are thus exacerbated by the large chance of social alienation and stigmatization by her family and direct community. Similarly, Spijkerboer (1994: 19) quotes Catharine McKinnon who explains rapes in former Yugoslavia: 'this was rape to be seen and heard and watched and told to others: rape as a spectacle'-both here and in Rwanda, rape was intended to impact on the wider community or society.

Furthermore, health problems are an added concern. Women who have been raped or who suffered sexual abuse generally do not dare reveal their experiences publicly and thus fear consulting medical advice (van der Veer, 1992: 232). A shortage of women doctors and the fact that rape survivors prefer to confide in women with their personal problems, aggravates the situation. 'According to Rwandan doctors, the most common problem they have encountered among raped women who have sought medical treatment has been sexually transmitted diseases, including HIV/AIDS (although it is often impossible to know if this is due to the rape). Since abortion is illegal in Rwanda, doctors have also treated women with serious complications resulting from self-induced or clandestine abortions arising from rape-related pregnancies' (Nowrojee, 1996). The psychological and social burden of having to bear a child which is the result of rape should not be underestimated, especially in that the child will remain a reminder of that rape for as long as the child is alive. These children have been termed 'children of hate', 'enfants mauvais souvenir' (children of bad memory) and 'enfants non-desirés' (unwanted children).

During the genocide, violence was targeted towards Tutsi women in particular. 'The extremist propaganda which exhorted Hutus to commit the genocide specifically identified the sexuality of Tutsi women as a means through which the Tutsi community sought to infiltrate and control the Hutu community. This propaganda fueled the sexual violence perpetrated against Tutsi women as a means of dehumanizing and subjugating all Tutsis' (Nowrojee, 1996). In the December 1990 issue of *Kangura*, journalist Hassan Ngeze published "The Ten Commandments of the Hutu," which make specific reference to Rwandan women:

> 'Every Hutu should know that a Tutsi woman, wherever she is, works for the interest of her Tutsi ethnic group. As a result, we shall consider a traitor any Hutu who: marries a Tutsi woman; befriends a Tutsi woman; employs a Tutsi woman as a secretary or a concubine.
>
> Every Hutu should know that our Hutu daughters are more suitable and conscientious in their role as woman, wife and mother of the family. Are they not beautiful, good secretaries and more honest?
>
> Hutu woman, be vigilant and try to bring your husbands, brothers and sons back to reason'.

Taken as a whole, many of the readings suggest that rapists expected, consequent to their attacks, that the psychological and physical harm imposed on each Tutsi woman would press forward the cause of the destruction of the Tutsi people. Based on extensive fieldwork conducted in Rwanda in March and April 1996, Binaifer Nowrojee, a consultant to the Women's Rights Project, explains that the Rwandan genocide and its' specifically state encouraged gender based violence, indirectly forced thousands of women to become refugees in neighboring countries. These women fled their homes primarily due to the continued threat of sexual violence, an act they feared for their daughters as well as for themselves.

4. Institutional Framework of refugee service providers in Cape Town, SA

4. 1 Refugees and the law in South Africa

In January 1996 the South African Government signed the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, thereby obliging itself towards refugee assistance 'and in particular, the duty not to forcibly return an asylum seeker' (De La Hunt, 1997:2). Having relied not inconsiderably on neighbouring states for the provision of asylum and exile during the Apartheid years and being in an economic position destined to attract African refugees in particular, it is in the country's best interest to devise a refugee policy which does justice to the hardship individuals have endured and enforces regulations stipulated in the international conventions South Africa has signed.

Until 1998 the major law governing refugees was the controversial Aliens Control Act of 1991 which had a notorious reputation for being racially discriminatory. In 1996 the Department of Home Affairs set in motion a 'consultative process' (De La Hunt 2002: 2) that resulted in the Refugees Act of 1998. Though this process was initially embraced with enthusiasm, it was not until April 2000 and after what was regarded as an exclusionist rather than a consultative process, that the Act was implemented.

4.1.1 The Department of Home Affairs: Status application and determination

Upon entering South Africa and in accordance with the 1998 Refugees Act, an asylum seeker is required to report him/herself to a designated Refugee Reception Office without delay. 'Asylum applications are received by a refugee receiving officer and heard by a specially trained refugee status determination officer[16]' (De La Hunt

[16] During my first visit to Home Affairs I was informed that the Refugee Department has only one Status determination officer and a couple of receiving officers. When I came to the department the next time, a new batch of receiving officers had been hired and was awaiting training.

2002:3). Applications for asylum will generally be adjudicated by the Department of Home Affairs within 180 days of filing a completed asylum application with a Refugee Reception Officer[17]. Unsuccessful applications can be taken to the refugee Appeal Board and to the High Court for review. Though refugees are also entitled to an 'individual determination' and may hire counsel at their own expense, very few are in the financial position to make use of this right. Once asylum has been granted, asylum applicants will be issued with a formal written recognition of refugee status and are then entitled to:[18]

> (a) Apply for a refugee identity document in accordance with Section 30 of the Act
>
> (b) Full legal protection and the right to remain in the Republic in Accordance with Act
>
> (e) Apply for and receive a UN Convention Travel Document (UN-CTD) issued by the government of South Africa
>
> (f) Seek employment; and
>
> (g) The same basic health services and basic primary education as the inhabitants of the Republic

The above regulations place serious burdens on asylum seekers: while most individuals have obtained asylum seeker permits, very few of them have been issued with refugee status and thus the rights to apply for refugee identity documents. While the law states that permits should be issued within 180 days/ 6 months, most people wait an average of 2 years, while some wait 6-8 years (Quint 1999, Kimani 1999). The permit enables the renting and purchasing of property, the opening of bank accounts, the application of any type of account, enrolling children in school etc. Since this process is one that can take years to materialise and because South Africa provides no material and/ or financial assistance at all, most are left with the harsh reality of temporary accommodation, minimal chances of acquiring a stable sound income and limited access to local services.

Additionally, the DHA does not cater for individuals who do not speak English and does not provide women applicants with female officials sensitive to the trauma many

[17] Section 2 (1) a and 3 (1) of the 1998 Refugees Act
[18] In accordance with Section 15 (1) a-g of the 1998 Refugees Act

individuals have endured. Coupled with the daily over-crowding of the DHA's office in Cape Town, women and mothers are often at an added disadvantage when applying for status. The risk of being arrested by South African police for not having the correct papers is an additional concern.

Also, South Africa follows an individualised determination system, implying a significantly larger administrative input since every individual has to be dealt with separately. The alternative approach would be a group determination system according to which people would be granted asylum on the grounds of their membership of a particular group (de la Hunt, 2002). This approach would undoubtedly be beneficial to vulnerable groups such as women and children. By giving preference to such a group and assigning it entrenched policies and specifically trained officials, these individuals can go on making a life for themselves here rather than extend their 'illegal' time in the country or hours at the refugee department. As it currently stands, the South African Refugees Act 'contravenes the South African constitution which explicitly forbids discrimination on the basis of either gender or sexual orientation' (Crush, 2001:1).

A further stumbling block in South Africa is the fact that the country's constitution makes no provision for refugee camps (except in situations of massive influx). 'Although this omission bypasses the enormous problems associated with such camps, it means that refugees are cast into the local community to sink or swim' (De La Hunt, 2002: 9) with only a very few NGO's available to their disposal and no financial backup from the government. This may be related to the fact that the Department of Home Affairs has, for a long time, regarded the refugee situation in South Africa as a temporary one requiring a short term relief response. Instead, and in Africa in particular, refugee movements ought to be regarded as 'a logical result of a sometimes predictable breakdown in the socioeconomic structure of the affected country requiring a sustained response linked to development initiatives (Brazeau in Forbes-Martin 1995: ix). Taking into account the current state of many African countries and the subsequent numbers of individuals seeking asylum in SA over the decade, refugees ought to 'be seen as a critical factor in mainstream development planning rather than as a peripheral to it. Inclusion of refugee women in such planning must be perceived as essential to efficient delivery of these programmes' (Brazeau in Forbes-Martin 1995: 1). The fact that refugees are provided neither with social

assistance nor the option of refugee camps not only places refugees in very fragile socio-economic positions, but also denies them of their right to protection from persecution. The provision of either of these two measures needs to be reconsidered by policy makers.

De la Hunt points out a variety of factors that have impeded upon the successful implementation of the 1998 Refugees Act, most of which were experienced during my interaction with the DHA on behalf of the women at Sanctuary Retreat:

- Unstandardised administrative practices
- Limiting access to the system (both physically and in theory)
- Difficulty in obtaining identity documents and thus employment
- Lack of transparency
- The work/study restriction
- Social and structural factors
- Lack of clarity as regards status longevity
- Xenophobia

As De La Hunt (1997: 5) points out and for a diversity of reasons, many asylum seekers do not apply for permits immediately on arrival. The still limited infrastructure available to refugees has not yet succeeded in extending to all refugees, the rights, asylum procedures and general information that they require. This has resulted in large amounts of illegal people and of asylum seekers not yet applying for status. The porous borders between South Africa and neighbouring states as well as the inefficient refugee enforcement process has influenced the inflow of illegal immigrants, drug lords and individuals entering the country purely to build on these hazardous and prohibited empires (Dodson, 2000:40). It is unfortunate in this context that the media[19] has contributed significantly in exposing the domination of the drug trade and other illegal practices by mostly Nigerian migrants. This encourages xenophobia and enforces the belief that all migrants are illegal, deal in illegal substances and are thus a threat to South Africa[20].

[19] This was particularly the case with episodes of Carte Blanche (8 June 2003) and Special Assignment
[20] The xenophobic nature of South African society has been researched and written about extensively by the Southern African Migration Project and Prof Jonathan Crush in particular.

A particular challenge that faces refugee mandated organisations, especially when applying for funding from non-refugee specific bodies, is justifying the need for refugee assistance against a background of 40% unemployment and considerable poverty amongst South Africans themselves. Coupled with the fact that many South Africans are unaware of the reasons why refugees have left their homes and thus assume that they have come to seek their fortune here, the country is becoming increasingly xenophobic towards refugees[21]. 'On the other hand there is an awareness of South Africa's debt to other countries in Africa, who for many years granted asylum to South Africans fleeing apartheid[22]; and some recognition of the role the previous government played in destabilising neighbouring territories'(De La Hunt, 1997: 1). The National Consortium for Refugee Affairs launched a successful campaign in cooperation with the South African Human Rights Commission labelled 'the Roll Back Xenophobia Campaign'. Together with the UNHCR a public education initiative was launched to increase awareness of the plight of refugees. However, this initiative ought to be extended into school syllabi and extended through the media in order for there to develop a bottom-up awareness campaign of the real plight of refugees.

As mentioned previously, a persistent point of criticism in the South African media as well as in academic research is the shortage of data pertaining to exact numbers of refugees in South Africa. While the Department of Home Affairs has supposedly generated its own statistics, these are not available to members of the public[23].

[21] In my own research on xenophobia in Mowbray, Cape Town, the majority of respondents expressed a fear that refugees brought drugs and gangsterism to South Africa and that their own children were vulnerable to such elements.

[22] De La Hunt refers here to an article in The Star, October 13, 1994 saying 'Tanzania, Zimbabwe, Botswana and other countries to which we fled in the 1960's did not call us illegal aliens. They said 'we are going to support our brothers and sisters from South Africa so that they can go home'.

[23] For a discussion of this see Crisp, J. 1999. Who has counted the Refugees? UNHCR and the Politics of Numbers. New issues in Refugee Research, 12.Geneva: UNHCR.

4.2 The institutional framework in Cape Town

The organisations available to international refugees (both men and women) in Cape Town can be separated into roughly three categories: branch offices of international organisations[24], the Refugee Department of the Department of Home Affairs of the government of South Africa and local non-governmental organisations with a special mandate to assist refugees. This breakdown is illustrated below.

Table 1: Cape Town based refugee service providers

		▪ Legal Aid Clinic
		▪ Sanctuary Retreat Refugee Center
1.	Local –non-governmental	▪ Aresta (Education, skills training, advocacy)
	('Tutumike')	▪ The Cape Town Refugee Center
		▪ The Trauma Center
		▪ Planned Parenthood SA (PPASA)
2.	Local- government	▪ Department of Refugee Affairs in the Department of Home Affairs of South Africa
3.	International	▪ The United Nations High Commission for Refugees (UNHCR)
		▪ The South African Red Cross Society

There is considerable interaction between the service providers mentioned in Table 1 in Cape Town in particular. While the NGO's listed under Section 1 are independent non-profit organisations, they receive substantial support from the UNHCR. This support is manifest through direct funding allocated upon application, the distribution of refugee specific publications increasing awareness and stating refugee rights as well as assisting in a diversity of complex situations when required. The staff of the UNHCR also assists the Department of Home Affairs in the training of refugee status determination officers (De La Hunt, 1997: 4) and helps out in the event that policy amendments need to be made[25]. In Cape Town an alliance of predominantly non-governmental organisations (The Cape Town Refugee Network) has been set up to co-ordinate refugee assistance in a diversity of ways. These organisations are in regular contact by virtue of the community they serve: each refugee is bound to make contact with one of these bodies during their time in South Africa. Through the network and the regular contact that is upheld, an effort is made to provide to refugees a variety of different services. These range from the provision of legal aid to language

[24] The headquarters of the Red Cross, the UNHCR are usually located in either Pretoria or Johannesburg.

[25] This was particularly the case in the process that eventually produced the 1998 Refugees Act.

teaching and skills training as well as psychological counselling and reproductive health. Additional pressure rests on these NGO's, since the Department of Home Affairs has, due to a lack of resources and continued administrative inefficiency, failed to adjudicate claims within 180 days as prescribed within the regulations (van Garderen[26], 2001: 6), leaving asylum seekers in the unpleasant position of having to wait in uncertainty and without real access to resources.

Within the network only two bodies provide services to women in particular: the Planned Parenthood Association of South Africa[27] and Sanctuary Retreat Refugee Center. While the former provides both women and men with advice and counselling with regard to sexual reproductive health, life skills and sexual rights education, Sanctuary Retreat is a shelter granting women and children accommodation for a period of approximately 6 months. While a variety of service providers exist and cater for men and women, the specific requirements of women refugees are not met. These might include women status determination officers, trauma counselling in the required languages (French, Swahili or Kinyarwanda) and childcare centres where women can leave their children while they locate work or visit the DHA.

4.3 Tutumike: The Cape Town Refugee Network

The Cape Town Refugee Network consists of a group of mostly civil society organisations that provide refugee specific services. Since 1998, these organisations meet on a regular basis and are linked through the complimentary role they play in fulfilling their joint rational. The network is active in lobbying for a more user-friendly and democratic asylum seeking system and helping individuals survive in what is an often hostile and xenophobic environment. The network is part of a national umbrella body under the name of the National Consortium on Refugee Affairs which has been instrumental in spearheading the drive for legislation that addresses the plight of refugees (Kimani, 1999:4).

[26] In Handmaker, de la Hunt and Klaaren, 2001

[27] Sanctuary Retreat is the only refugee accommodation center of it's' kind in Cape Town. The PPASA project targeting refugees is thus often limited to women, since workshops are organised on a regular basis and in direct consultation with the Project Manageress at Sanctuary Retreat.

At the head of the network in administrative terms, is the Cape Town Refugee Centre which is an implementing partner of the UNHCR in Cape Town and provides psycho-social intervention programmes, counselling, English and skills training and limited assistance with regard to accommodation, food and education for children. To ensure that it is assisting only those in need, the Forum requires all its visitors to make asylum applications before requesting assistance. It serves as a starting point for many asylum seekers and directs individuals on to such places as Aresta and Sanctuary Retreat. The CTRC works in close cooperation with the University of Cape Town's Legal Aid Clinic. Headed by Professor Lee Anne de la Hunt, a local refugee law expert, clients can seek pro bono legal advice and representation here. Through its contact between the refugee community and the UNHCR, the clinic has provided extensive assistance to the re-drafting of refugee related policies and laws.

The Cape Town Office of the South African Red Cross Society operates a world wide tracing service which aspires to reunite families separated by war and conflict. 'Family reunification is a complicated procedure that can only happen if the relevant government gives written permission. And it's usually only for parents and children. But once permission is given, the ICRC can issue a one-way emergency travel document' (Wrottesley, 2003). Here a tracing officer facilitates and negotiates on behalf of individuals who seek the ICRC's services.

Aresta, the 'Agency for Refugee Education, Skills Training and Advocacy' provides a variety of popular educational programmes such as English classes, sewing and economic empowerment skills training and HIV/AIDS training. The organisation hopes to help refugees and asylum seekers to become self sustaining and 'marketable' through an education centred approach and to improve their chances of obtaining some kind of formal employment.

Within the Planned Parenthood Association of South Africa (PPASA), a refugee woman from the DRC has started a 'Sexual and Reproductive Health and Life Skills Project' targeted predominantly at increasing awareness to refugee women and their husbands. Together with the various Tutumike members women and men are encouraged to attend one of a set of regularly held weekly workshops during which information is provided on contraception, sexual rights, HIV/AIDS and STD's,

motherhood and domestic relationships. Counselling is provided to the many women that Ester works with and who have experienced sexual abuse and domestic violence or were at some stage before or during flight, exposed to traumatic events. Women who are traumatised and in need of psychological help, can visit the Cape Town Trauma Center. Here women and men are offered free of charge trauma and crisis counselling by a set of experienced refugee counsellors, some of which provide counselling in French.

5. Findings and Analysis

During June and October 2003, I conducted a qualitative exploratory research study during which I attempted to gain deeper insight into the origins and dimensions of the challenges faced by predominantly Rwandan refugee women at a non-governmental refugee shelter. During this time I tried to focus on understanding women's personal experiences as well as the main issues they encounter in terms of obtaining legal status, physical protection and material support both from government and local service providers. An important part of this research was understanding to what extent such theoretical underpinnings as the private/public dichotomy, social conceptual constructions of refugee women and refugee law affect Rwandan refugee women living in Cape Town. The process involved in gaining this information was long and often frustrating, especially since entry into these women's lives is barricaded by principally linguistic, personal and cultural matters. Similar to Wambugus (2003:31) findings of a study conducted in Johannesburg, the study revealed that Rwandan refugee women face tremendous destitution in Rwanda, during flight and in refuge in South Africa. The following chapter is an illustration of the main findings resulting from the above mentioned research work.

It should perhaps be stated at the outset, that none of the women at SR ever made reference to the extremely private experiences of sexual violence and gender based persecution. The only exception came from Sada and the SR Housemother who explained to me that rape was and still is a frequent crime in Rwanda, but that it is one that women chose not to speak about. Apart from this and after attempted interviews with Cathy and Lina, I did not feel entitled or suitably equipped to ask related questions. Instead my analysis rests on the informed assumption that most of the women at SR had at some stage before, during or after flight, experienced or feared sexual violence.

The following pages contain a summary of the most important findings resulting from active participant observation at SR as well as the literature that supports the discourse.

5.1 Entry into the 'field site': process and observations

5.1.1 The site

First visits to SR were characterised by interaction with staff and children rather than the refugee women themselves. The women themselves were hesitant at first and most stood in the background as I arrived. Refugee children on the other hand illustrated little hesitation in embracing me and engaging me in their activities. The administrative assistant, a female Xhosa speaking South African, was integral in outlining to me some of the main issues shaping life at the center. In this way I was informed that food rations[28] were distributed every two weeks and that supplies were minimal, providing a fairly unbalanced and monotonous diet. Many of the children at the center subsequently suffered from malnutrition, identifiable by large and blown up bellies and pointed out by visiting nurses on two occasions during my research. A lack of nutritional research on behalf of the shelter staff is to be blamed directly for this unnecessary complication.

I soon noticed that though women of different nationalities were placed in rooms together, so as to prevent cultural cliques from developing, women from different nationalities did not interact much. The three houses that accommodate women are clean and spacious but lack any comfortable sitting area where women can relax and socialise together. Apart from the schoolroom (which is well kept and has been painted) and a small garden at the entrance of the office, the center lacks aesthetical value. The center has a small unsightly and mostly unoccupied TV room, an approximately 100m² sized vegetable patch, an outside washing area and line. Additionally there is a small sowing room, a kitchen used mostly for functions and special occasions, a counselling room and a meeting room. Women sit on the lawn in front of the houses during their time off and children play on a small dilapidated jungle gym outside the crèche.

The center is situated in Philippi in walking distance to a police station and Hanover Park day clinic but limited other services. Travelling to Cape Town (DHA) by taxi or

[28] Each ration contains beans, Soya mince, peanut butter, tomato puree, flower, sugar, oats, cooking oil and occasionally fresh vegetables and fish. Additionally women are provided with a small set of basic toiletries.

bus takes up to two hours, while Wynberg (CTRC) is reachable in one hour. Though connected to Cape Town with Lansdowne Road, the direct surrounding area (predominantly industrial and farming land) is geographically isolated and does not permit for day-today interaction with the surrounding communities as they are relatively far away from SR.

5.1.2 Rapport

Establishing rapport with the women at the center was a time consuming process. During each visit time was put aside for causal conversation while the women were breastfeeding or preparing food. By asking questions about their language, their culture or cooking, women gradually opened up. While some of the women (such as Sada, Aischa, Evelyn and Angelique) treated me with immediate friendliness and warmth, others took longer, while yet another set of women took months to acknowledge my presence.

The latter was particularly evident with Alphonsine, an unusually tall, well built woman with intimidating horizontal scars above both her eyes. I was told that these had resulted after the traditional burning process[29] had taken place in order to cure her of headaches. It was not until about 4 months into my fieldwork, that we began communicating: sitting in the sun one afternoon, Alphonsine was seated behind me, breastfeeding her daughter Sisi. When she was finished, she started stroking my hair. She gradually removed my hair band and began to plait braids. This very intimate gesture resulted in a rapidly developing and deep friendship-despite the fact that we could only communicate through other women, her daughter and with sign-like language (since she speaks neither English nor French).

In trying to understand Alphonsine's initial refusal to relate with me, it must be concluded that given the situations they are fleeing, most refugee women are wary and suspicious of 'foreigners' and efforts to elicit information (Spijkerboer, 2000). On various occasions, women asked whether I work for the Department of Home Affairs and only after extensive explanations was it possible to convey the negation of their mistrust. Overcoming this barrier with all of the women at SR after a certain period of

[29] It is a Rwandan ritual that pains such as headaches are cured by burning the paining area with small wooden matchsticks. It is said that the scars prevent evil elements from entering the body.

time indicated to me the possibility of overcoming seemingly irreconcilable differences through dialogue and with patience.

The major challenges in establishing rapport with the women at SR were initial shyness and mistrust as well as language limitations. Due to the fact that the majority of the women at SR are Rwandan, non Rwandan women (mostly from Burundi and the DRC) generally isolated themselves from small group gatherings and daily rituals. For this reason developing a relationship with these women was particularly challenging as my liaison with the Rwandan women created an unintentional 'us' versus 'them' situation. Nonetheless I was on a very friendly basis with approximately 90% of the women at most times.

5.2 Challenges facing refugee women

As has been pointed out in the preceding chapters, refugee women encounter a number of hardships before, during and after flight resulting from the political situation in Rwanda as well as the institutional framework that is available to them in South Africa. The fieldwork I conducted allowed me to understand the main problems women encounter as well as where they originate from and how women deal with them. Amongst the most pertinent issues were empowerment and skills training, psychological and physical health aspects, motherhood and the provision of education, accessing services and being a single parent refugee. These findings are elaborated upon in the following section.

5.2.1 Empowerment and skills training

I was instantly disconcerted by the nature in which women spent their days at SR. Rather than engaging in an activity likely to assist the process of empowerment and subsequently independence from the center, women spent their days doing house chores such as washing and cooking. The general response observed amongst women with respect to those options designed at offering empowerment mechanisms was little more than negative. Few women regularly attended English classes or training at one of the centres' facilities. The reasons therefore can be traced back both to the structure in which these mechanisms were presented to the women as well as the unstable psychological state the women themselves are in. The chance that women

would have responded differently to the choices available to them, had they been presented to them differently from the start, is not inconsiderable.

Ultimately, empowerment should be encouraged through a two-tiered approach containing first psychological counselling and then skills training. Only in this way can 'durable solutions' as suggested by Forbes Martin (1996: 64) begin to be implemented. Realising the need for economic independence from service providers in order to facilitate the return to their home country as well as to minimise the burden on the host country is a crucial factor here. However, successful training cannot take place without first dealing with post traumatic stress, the association of feelings surrounding loss (as pointed out by Callamard and Buijs) and getting accustomed to new surroundings. While the provision of comfort (through the supply of food, clothing and accommodation) and physical safety are integral to the sustained well being of the women, the opportunity for service providers and their project managers to actively encourage empowerment amongst refugee women should be taken very seriously. As Forbes Martin (1996:66) suggests, the answer is in long term solutions such as to 'provide sustainability through capacity building (i.e. teaching skills and languages) rather than simply providing goods and services'.

As trauma implies disempowerment and disconnection, recovery is based upon the empowerment and creation of new connections' (Herman, 2001 in Ley & Garcia, 2003: 55). A problem in providing such empowerment tools as trauma counselling, English classes and skills training and subsequently beginning recovery, was the fact that the women felt the person in charge of these programmes (a Rwandan refugee woman herself) to be too authoritarian and subsequently unapproachable. Numerous times women asked for my assistance in enrolling in classes. The result was that in the 6 months women spend at SR, few leave the center having undergone counselling or training that might equip them to cope better in the South African climate. The importance of employing a suitable person (able to motivate and encourage women) for such a position should not be underestimated. Additionally Rwandan women prefer not to discuss openly their personal concerns, the result of which is isolation and in extreme cases, psychological deterioration rather than healing.

The fear of rejection and feeling a sense of otherness amongst South Africans was mentioned by many women as a reason for why they rarely left SR at all or on their own for any purpose. 'Whether people are directly attacked or not, the threat of personal violence constrains them from pursuing their normal activities' (Wambugu, 2003:27). The potentially xenophobic treatment of refugees by South Africans, which is regularly exposed by the media and of which most refugees are aware, thus directly affects their freedom of movement[30].

5.2.2 Psychological Health

Most women who arrive at the center directly or shortly after flight suffer from post traumatic stress, mild depression, symptoms of loss and culture shock. The following were amongst Sada's concerns:

> *I think all the time. My thoughts never leave me. I cannot sleep and I always have to think of [that] day. I have no appetite and I cry all night long. I can't help it. I want to be happy here but I can't. I want to go home but I can't. I take medication to make the pain go away. I am so scared that [they] will find me.*

The obvious approach here would be to provide women with counselling and therapy in order to help them come to terms with their past, provide them with the necessary information they require and begin a healing process. This is particularly important with regard to culture shock (van der Veer, 1992), dealing with the meaning and impact of flight and uprootedness (Espin, 1994) and the 'double fight' (Wambugu 2003) implied in caring for themselves and their children. This process was not evident at Sanctuary Refuge though the centre's mission statement refers to it at various stages.

Language and culture are important aspects of providing psychological support work to refugee women. 'Refugees are not only individuals who have been traumatised by violence and persecution; they are also migrants in a foreign culture' (van der Veer,

[30] During previously mentioned field research in Mowbray, Cape Town (trying to gauge levels of xenophobia in the area) 19 of 20 refugees I spoke to explained that they felt unwelcome by South Africans, that many refugees had been violently attacked (as is documented by Williams 2000, Thiel 2002, Ellis 2003) and had been called 'kwere kwere' on numerous occasions.

1992:101). Save for a very few, none of the women at SR were able to communicate their emotions to me in a way that helped me understand what they were going through. Without the support of the most recent literature, understanding their major concerns would have been impossible.

Apart from the fact that the women were unable to articulate their deepest concerns in English or French, it is not clear to what extent they really wanted to do so with me. Sada an Aischa were exceptions in this regard. 'Everyone seeking psychological assistance seeks it in someone he/ she perceives as trustworthy' (van der Veer, 1992:102). In this regard it is important to make available to the women someone able to speak French, Kinyarwanda or Swahili and who can build trust based relationships with the women. Equally important when engaging in counselling with these women, is being culturally sensitive to those topics and dimensions women feel hesitant to talk about.

My concern here is with Home Affairs officials and other individuals whose job it is to interview these women and determine their status. For obvious reasons, officials dealing with refugees are unable to invest in them as much time and effort as a person in my position- status determination officers have at most an hour to deal with each individual. As van der Veer (1992: xi) points out 'many of those who are professionally involved with refugees are not [fully] aware of the nature and background of their mental problems, and they usually do not have the time or the opportunity to acquire a deeper understanding'. Refugees inadequate ability to clearly articulate their reasons for refuge due to shortage of language skills and often shyness, as well as the intimidating environment in which these interviews take place, impact directly and negatively on the woman asylum seeker. The importance of providing women with woman determination officers trained and equipped to deal with the social and cultural issues surrounding refugee women cannot be overemphasised.

5.2.3 Physical Health

Most women at the center at some stage required medical attention either for themselves or for their children. Many of the physical conditions I witnessed were psychologically induced. Though the women made use of the local clinics, numerous claims of xenophobia and unwillingness to treat refugees were made. 'Refugee

women are often turned away by health workers when seeking medical attention for themselves of for family members' (Wambugu, 2003:29).

Case 1: Evelyn and Hope

Evelyn's daughter Hope, who was involved in a hit and run car accident spent 2 months in Red Cross Children's Hospital ICU and is now left with a chronic eye-condition. Apart from the fact that Evelyn is a single mother, some of Hope's medication is not for free. Hope needs to see a specialist on a regular basis: Evelyn cannot afford the transport to take Hope and Benjamin to the hospital and Hope has not seen the prescribed specialist since she left hospital.

Case 2: Violette and Innole

Violette's son Innole is mentally challenged and despite her dedicated effort to include him in school activities, the crèche teacher Adolphine has asked permission to exclude Innole from attendance. Though he is 11 years of age, he has the mental capacity of a three year old. He cannot speak and is rejected by all the other children. Innole belongs in a school for mentally challenged children: his mother speaks no English has no income and no efforts were made by any of the centre's staff to locate such a school or the required funding. Apart from the fact that Violette herself is only 24 years of age, she could not take part in the centres activities or search for employment since her son required her 24 hour attention.

Case 3: Asterie and Espoire

Asteri's youngest daughter Espoire is 2 years old and is physically unable to sit upright, eat, walk or play on her own. Asterie is 25 years old, single and the mother of two children. She cannot afford the transport to visit the hospital and since she speaks no English she cannot communicate with the medical staff to fully understand and provide for her daughters illness.

Case 4: Aischa and Letcho

Aischa was severely traumatised when she first arrived in Cape Town. The result of her trauma was that she stopped producing milk for her 3 week old baby, suffered from insomnia and severe PTSD characterised by hyper arousal, avoidance and the repeated re-experiencing of the events that caused her to leave Rwanda. Apart from the lack of milk (and the implied cost of having to buy milk instead), the baby sensed its mothers discontent, the result of which was rapid weight loss. Aischa, 21, has lost her entire family to the genocide, is a single mother with no skills and has come to South Africa searching a life free from persecution.

Additional to the above cases, lack of appetite, insomnia, nausea and emotional upheaval was integral to the daily life at Sanctuary Refuge. Particularly problematic however were those situations requiring women to visit hospitals and clinics. Many refugee women do not speak English and unless provided with interpreters, are unable to communicate their complaints to doctors and nurses. The inability to communicate pains, symptoms and medical histories to medical staff, complicates and often stalls treatment. The transport cost of visiting hospitals is an added set back. It is for these reasons that women often succumb to apathy with regard to situations that require medical attention. These concerns were raised by women such as Evelyn and Violette who added that the implied complexities impacted negatively on their mothering and impeded on self empowerment efforts.

Another aspect of the refugee experience, is dealing with post traumatic stress disorder (PTSD). 'PTSD may be seen following events that would be considered traumatic for almost anyone (e.g. assault, rape, combat, torture). During the event, the person experiences intense fear, helplessness, or horror. Subsequently, three clusters of symptoms develop: re-experiencing, avoidance or numbing and hyper arousal' (Robertson et al, 1995:146). According to the diagnostic criteria of PTST, many of the women at SR suffer from the disorder. Disturbingly little efforts were made to help women overcome their psychological problems.

The unpreparedness of local doctors and nurses, to deal with unfamiliar medical conditions (such as the results of Female Genital Mutilation and other culture based procedures) deters women with such problems from visiting hospitals.

A particular concern in this regard was voiced by the PPASA social worker dealing with refugee women in Cape Town. She explained that she encounters tremendous difficulties in teaching women about their sexual reproductive rights, sexually transmitted diseases and contraceptives. Apart from the fact that many women are unaware of their rights with regard to sexual relations[31]; considerable complexity surrounds the teaching of contraceptive methods. Here myths play a deciding role. An incident where women were taught about the easiness and safety of the pill as a contraceptive measure by a PPASA representative is particularly striking: A woman replied that she refused to use the pill since she had seen in a female friend who took the pill, that she developed a painful cist on her stomach. Months later and upon opening the cist, all the pills she had taken were found inside.

When asked by the social worker what procedures women use to prevent themselves from becoming pregnant, methods such as withdrawal, counting days during menstrual cycles and good luck were used. Another woman explained that after having unprotected intercourse she would simply take two gulps of quinine (an anti-malaria drug) and be sure that she would not become pregnant.

5.2.4. Motherhood and the provision of education

Being a good mother was a challenge all women repeatedly referred to. Though all children attended school[32] either at SR or in one of the schools in the surrounding area, how to afford schooling and the related costs in the future, was the largest source of concern. Women were generally very close to their children and much cooperation existed in helping out at the school when the teacher was absent. Mascarenhas-Keyes (in Buijs, 1993:10) refers to a tremendous focus on the education of their children as 'progressive motherhood' and explains that it reinforces the mothers' positive image of herself. Sada's immense frustration at having to make her 13 year old son work as a car guard to earn an income rather than attend school is a suitable example.

Women suffering from PTSD or similar psychological conditions experience immense difficulty in successfully fulfilling their role as mothers. Apart from the

[31] More detail on levels of knowledge towards sexual reproductive rights amongst young refugees in Gauteng, South Africa, can be found in Abrahams, B. 2001.

[32] This schooling is funded by the CTRC.

physical harm a breastfeeding mother suffering from depression can do to her baby, children are heavily dependant on their mothers during and after refuge. As the only source of stability in their lives, mothers face a challenge in providing their children with comfort they might be unable to give.

5.2.5 Accessing services

Little overt contact existed between the women at the center and the various service providers mentioned in section 2.3.2. None of the women were in possession of the information booklets compiled for refugees by the National Consortium for Refugee Affairs and Lawyers for Human Rights. At SR this non-contact can be directly attributed to a lack of commitment on behalf of SR staff in encouraging women and providing them with the information they need. Since women were neither offered transport nor given transport money to visit the different service providers, many women did not follow up on their status application with the DHA. This is particularly serious for single mothers who do not have husbands able to take care of administrative details for them.

What emerges then is a problematic conceptual dichotomy between the individuals who consider themselves refugees by virtue of the journey they have travelled and the life they have left behind but who have not yet acquired legal status; and the host country which requires them to engage in a complicated and drawn out legal process in order to prove this identity. Apart from the fact that this presents an awkward administrative procedure, it leaves refugee women feeling disempowered, hopeless and fearful-especially in the event that their asylum application is denied. 'The long hours of waiting, the days of repeated returning before one gets any documents can cause a serious psychological problem to a person' (Kanuma, 2002). Additionally there is the constant threat that refugees are stopped by police requesting identification or the limited services accessible without a section 22 permit or a refugee identification document

Again the issue of language is pertinent: visiting a clinic or enrolling children in a school without sufficient knowledge of at least English, was sighted by at least one woman at SR for not enrolling her child at the local school. The woman added her fear of being labelled a 'kwerekwere' as soon as it became evident that she was not a South African.

Most women at SR had not applied for refugee status and were thus in possession of only section 22 permits. Asked why they had not applied for refugee status, married women explained that official business such as this would be taken care of by their husbands, while others and single women in particular gave financial motivations. Repeated reference was made to the hostile and unfriendly environment at DHA and the long time it took until requests were heard.

5.2.6 Financial constraints

The majority of women at SR depend on their husbands for financial support. Refugee men in Cape Town usually work as car guards or security personnel and their incomes are limited[33]. Travel expenses in Cape Town in particular are a great concern: most refugees live in Samora Machel Township, Muizenberg and Retreat, all of which are situated far away from the city center. For this reason, venturing out to look for a job can cost up to R20 in transport costs for one person.

Many women repeatedly asked me for money. Apart from the fact that I could not and did not want to, I never did give money since this would have unfairly discriminated against the women I was not yet close to and who did not have the courage to ask for money. Secondly it would have placed me in a position that I did not to and could not be in. It would have also added an element of power to our relationship, one that I did not want to introduce. Instead, I made clear that I was willing to provide transport to the Department of Home Affairs, hospital or the Refugee Forum or that I would gladly provide assistance in other processes women needed help with. Women often asked me to help them with groceries and medical expenditures too-though women were given supplies according to the size of their family, these rarely lasted for the intended period and often left single mothers with no alternative income sources, in desperate situations.

5.2.7 Refugees as single mothers

About half of the women at the center have come to South Africa without their husbands but with their children. This necessarily implies immense determination to flee from their home country in search for peace and safety. The events characterising the journey they endured usually include sexual exploitation, humiliation, the

[33] Car guards in Cape Town earn between R10 and R80 a day and usually spend up to R20 per day on transport costs to travel to and from their work post.

experience of loss and tremendous anxiety. As mentioned previously, the refugee camps which accommodate all refugees at varying stages of flight, are generally not sensitive to the dangers women encounter on a daily basis. However and as Wambugu (2003, 31) points out in a similar study, these women's main concerns did not seem to be their experiences in Rwanda, nor during flight, but rather the difficulties they faced in South Africa. In a sense it seemed that women were blocking out their past concerns with current ones- perhaps a subconscious coping mechanism in itself.

Strictly speaking, refugee women in Cape Town can resort only to Sanctuary Refuge refugee center for shelter. Here they can stay for a maximum of 6 months, though most single mothers tend to stay longer because their alternatives are limited. In the event that a woman does not have family in Cape Town (such as Evelyn) she is bound to find herself in an exceptionally precarious situation, especially if she has children. Since the South African government provides neither financial nor material support, these women are forced to find alternative income generating techniques. However, finding accommodation without any start-up capital and being unable to leave her children with anyone (unless she finds trustable neighbours, friends) while she finds work, minimises her chances of locating a sustainable solution. Added to this is the fact that she is not permitted to work without a Section 22 permit and the fact that acquiring it implies having to travel to the Department of Home Affairs (entailing an average transport fee of at least R15 return). Women staying at SR are in an advantageous position over those who do not, since they have the option of leaving their children in the care of either the school or of other women while taking care of chores.

5.3 Coping mechanisms

Aside from the challenge refugee women face during flight, additional issues arise while they are situated at Sanctuary Refuge. 'Living together with other women in the shelter environment, and having to share food and space is not an easy task for women who are still dealing with trauma (Ley & Garcia, 2003: 54). Their 'uprootedness', which is characterised by the feeling of discomfort and the loss of self esteem, as well as the shortage of familiarity referred to by Espin (1994:11) present women with added worries. Shortages of food, lack of money, loss of contact with

family at home, were often sited as major concerns. Few of the women accessed professional help to cope with their trauma though most suffered from loss of sleep, lack of appetite and recurring memories as well as thoughts of the harrowing circumstances they had fled.

I soon noticed that the continuation of activities that had been integral parts of life in Rwanda, served as an important though often subconscious coping strategy: every day at the center began with cleaning of the dormitories. After this women either began cooking or ventured off to the outside taps to do their washing. This usually took place in groups of 4-5 women, usually from the same country. Because most women have more than 2 children, this is a time consuming process. Women take turns in preparing food for the school. The rest of the day is spent preparing food, hairdressing, chatting in the sun and breastfeeding: activities that I was told were an integral part of life at home. By immersing themselves in a routine, women are more likely to shut out negative thoughts. Asked why she is so busy every day, Evelyn, mother of Hope (7) and Benjamin (2) replied:

> *There is a lot of work to be done: washing and cooking and cleaning. We have to stay busy to forget. It is hard being a refugee. When you are busy you forget better that life is hard.*

A different comment came from Marie mother of Joseph (3) who explained that:

> *I am alone, my husband is in Zimbabwe. I am sick of surviving. Every day is about surviving. Is there enough food, is there enough money. How will I send my child to school? Where will I be tomorrow? If I keep busy I think less.*

The therapeutic properties of gardening were revealed during one of the first interviews I conducted with Phorstére. She had taken over much of the centre's gardening responsibilities and had the following to say in this regard:

When I work in the garden, I forget that I am in South Africa and can think only of Rwanda. Then I think of my mother and my friends whom I miss a lot. In the garden I feel happiest.

During my time at the center I helped to facilitate the redevelopment of the vegetable patch[34]. On the day that planting took place, all women came to take part in the planting process. Unlike other events at the center, where most women had to be called numerous times to participate, gardening appears to be very popular. Each woman was assigned a small piece of ground which she prepared and planted. It was soon evident that most of the women had done a considerable amount of gardening and had developed a very natural technique. After planting had taken place, women spent considerable time in the garden, hewing the fields or removing weeds.

In the evenings and on weekends, women were visited by husbands and relatives. Rwandan women referred to these visits as supportive and explained that they felt revitalised and positive after having spent time with people they were close to. These visits are important in maintaining contact to other Rwandans and to remind women that they are not alone in their fight for survival.

[34] See the p.67 of the January issue of SA Gardening for a short report and pictures of the event.

6. Recommendations

A number of recommendations flow from the above mentioned findings as well as the supporting literature. I distinguish here between recommendations following on my own research and extensive though repetitive suggestions provided by the authors in the field. These recommendations are applicable to all individuals working in refugee related organisations and who have refugee women's best interests at heart. The recommendations are divided into two main areas: those aimed at government and the Department of Home Affairs and those for NGO's and service providers. It is important that the entire framework that refugee women function in becomes tuned to a gender aware and more sensitive modus operandi. This is particularly important with regard to Rwandan women, most of which have been subject to gross human rights violations.

On a macro level and following Kegley and Witkopf (1997), I suggest that change needs to occur on all three 'levels of analysis' that currently advocate on behalf of refugee women: the systemic, the national and individual. While the systemic refers to international state and non state actors, the national contains non-governmental organisations and service providers within a given state. The individual refers to people working within the bodies functioning in the afore mentioned organisations. Only by intervening on all three levels, can it be ensured that a sound all-encompassing treatment process advocating the importance of the implementation of gender rights is implemented.

However, the most important challenge is changing the attitudes of those individuals working within the applicable organisations. 'In order to do this, the position of women must be placed in the wider context of the whole society. The liberation of women can take place only once social and economic egalitarianism has been achieved and the exploitation of all people has ceased (Munnik, 1986:113). In order to facilitate this, the United Nations High Commission for Refugees must tighten its monitoring of the implementation of its policies and guidelines. The mere existence of regulatory documents is not sufficient. While such documents as the '1991 Guidelines on the protection of Refugee Women' exist, refugee women in South Africa rarely

encounter the detailed rules and regulations it entails (amongst these are gender sensitive techniques for interviewing women refugees).

Parallel to the above, I propose the inclusion of refugee studies as a field of research and teaching, both in secondary and tertiary institutions- this is highly likely to impact on the way refugees and asylum seekers are perceived by South Africans. By introducing refugee studies into the countries core curriculum, thereby educating as well as developing a broader interest amongst scholars, refugees are bound to be treated with greater respect by South Africans.

6.1 The South African government and the Department of Home Affairs

> *'The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State'.*
>
> OAU Convention, Article II

As my findings as well as the bulk of the locally authored literature reveals, the Refugee Department of the SA Department of Home Affairs is far from delivering fair and efficient service to refugees and desperate Rwandan women in particular. This is heavily influenced by the fact that the South African Refugees Act is 'silent on questions of gender' and 'suggests blindness to the close relationship between gender and migration, and hence to ways in which migration policy will have different outcomes for men and women' (Dodson, 2001: 1).

The lack of provision for women refugees in various spheres of their asylum application (as illustrated in the previous chapter) has already had detrimental effects on many of these individuals. As a signatory to the United Nations and subsequently to the UNHCR's guidelines, South Africa has a responsibility to 'provide protection and durable solutions' as outlined by the UN General Assembly upon the creation of the UNHCR in 1951. 'This is particularly [important] for women whose persecution may not be 'political' (in the traditional sense with which the word is used) but of a cultural or gendered nature' (Valji, 2000). In preventing women from succumbing to

extreme measures (such as prostitution or forcing their children to work) and in providing them with the necessary papers that enable them to seek legitimate employment and services to begin a sustained process of self empowerment, I feel that this cannot be considered urgent enough.

It is unfortunate that South Africa also attracts a great number of economic migrants who have come here to seek economic gain rather than political asylum. The Department of Home Affairs does not make available the relevant statistics- this is highly likely to be due to the fact that border patrol is minimal and that physically counting asylum immigrants once they have entered South Africa is virtually impossible. The fact that each individual has to register him/herself with the DHO and the huge backlog the department is experiencing in terms of processing applications, further complicates the matter. Though unintentional, the entry of economic migrants into SA complicates the DHA's administrative process and takes up time that could be invested in assisting women (and men) fleeing persecution. South Africa's porous borders aggravate this situation, since too little border control has resulted in hundreds of migrants illegally entering SA on a daily basis. In this regard it is critical that the DHA and the South African Police implement a tighter system of border vigilance in order to stop illegal migration and to filter out those fleeing political and gender based persecution, rather than economic hardship. 'As long as the influxes were of a moderate size, the cost of harbouring refugees was not too much of a strain upon the receiving country's economy' (Westin, 1999: 29). It is also important (as well as beneficial) for states to allow for short term policy amendments, especially in emergency situations and when influxes of refugees are expected.

On the basis of findings presented in section 5.2.6 (Challenges facing refugee women: Accessing services) priority needs to be given to the recruitment and training of female French and Swahili speaking interviewers and interpreters, able to extract sensitive but vital information from abused and traumatised women at DHO offices. Here the *Gender-sensitive techniques for interviewing women refugees* as stipulated by the UNHCR should be instrumental in guiding officials. Amongst these guidelines are the following main components:

- Being aware of gender differences in communication, particularly in non-verbal communications…In assessing the credibility of the female applicant, for example, do not judge it on the basis of such western cultural values as the ability to maintain eye contact.
- Be patient with female applicants to overcome inhibitions, particularly with regard to sexual abuse. Enough time should be allowed during the interviewing process to permit the female applicant to build a rapport with the interviewer. Do not ask for details of the sexual abuse and focus rather on establishing whether a form of well-founded fear of persecution has occurred.
- Recognise that women who have been sexually assaulted exhibit a pattern of symptoms that are described as Rape Trauma Syndrome, which will influence how a woman applicant responds during the interview.
- Provide women the opportunity to be questioned without the presence of family members.

Only by ensuring rigid adherence to these guidelines, can women be given the special status they are entitled to in accordance with UNHCR policies. However, none of the above is currently provided by the Department of Home Affairs. Of the approximately 40 women I met during 5 months of field work, none had been allocated refugee status and all were waiting for status determination interview appointments dated no earlier than March of 2004.

Assisting women to access the law as well as Cape Town based service providers is another urgent need that became evident during research. Various refugee related organisations (such as the National Consortium for Refugee Affairs, Lawyers for Human Rights and the UNHCR) have put together useful publications containing contact details of service providers as well as relevant laws and rights. Unfortunately these documents are only available at a very limited number of locations. Additionally, the law is usually presented to individuals in language constituting a jargon that makes these documents impenetrable to the average citizen. When making such information accessible to refugees, laws need to be written in a clear and unmistakable style. These publications need to be readily available at border offices, refugee reception offices as well as all refugee service providers. This is a vital process in helping refugees orientate themselves as well as in assisting them to claim the rights and services they are entitled to.

In addition, refugee women need to be given the opportunity to become actively involved in decisions made by the South African government about their situation. 'Too often men assume all leadership roles, resulting in the disadvantageous treatment of women' (Cohen, 1998:69). Placing a refugee woman on the relevant advisory committee, thereby ensuring participatory action, the real problems faced by refugee women is more likely to be dealt with more effectively.

A major problem in South Africa is that apart from the fact that there are no refugee camps, the constitution makes no provision for financial or material assistance to refugees. While this type of support may be obtained from selected service providers, research revealed that it is limited to extreme cases of need. The majority of refugees are subsequently left to fend entirely for themselves. As illustrated previously, this puts single mothers in a particularly precarious position. In Cape Town, only two centres cater for these women. Since *protection* requires more than just legal care, the development of social assistance projects to improve on the security of these women and to assist them in becoming self sustaining is advisable. The need for this type of development was clearly evident at SR. Such a project ought to include amongst other things pro bono trauma counselling, child care facilities and temporary accommodation for women. Additionally, Wambugu suggests that 'given the absence of refugee camps in South Africa, social welfare polices should be revised with special reference to housing for refugees' (2003:33).

Additionally, field work illustrated that there is a need for the Department of Home Affairs to develop a communicating tool between asylum seekers and government departments of health and education in particular. The dissemination of information to these important institutions in particular is vital in ensuring that refugees are able to access the services they and their families are entitled to.

A further myth the South African government needs to work to abolish is the one ignoring the immense value asylum seekers could bring to South Africa and arguing that they can not contribute positively to the local economy and society. Apart from the potential use of the multitude of language skills brought into the country, research has indicated that the majority of asylum seekers practiced a profession in their home

country: many of the women at SR were qualified teachers- a resource SA is critically short of.

Lastly, the Department of Education needs to develop an effective nationwide campaign to eradicate xenophobia and to educate people with regard to refugees. The media as well as a variety of research projects on xenophobia in South Africa[35] indicate high levels of dislike towards refugees. Far too many South Africans believe that refugees come to SA for economic gain only. Educating citizens with regard to the international conventions we are bound by and the consequences these have, is an important part of building a healthy civil society in a new democracy. Still too few people realise the reality of the socio-political circumstances refugees have left behind.

6.2 Local service providers

Work conducted with and amongst refugee service providers has revealed that the most important element of providing an effective service to women refugees, is utmost importance that individuals working with refugees are educated with regard to cultural sensitivity and tradition, cultural mores of foreign societies the socio-political background of the refugee producing country and the possible psychological damage that refugee women are often burdened by. Only by fully comprehending the dynamics shaping the lives of women refugees, can service providing staff be expected to give the required quality of assistance.

Numerous authors give evidence to the fact that women refugees who have undergone trauma counselling and psychotherapy are more likely to begin a healing process and settle in the host country than those who do not (van der Veer 1992, Wambugu 2003, Buijs 1993, Forbes Martin 1995). As was evident amongst the women at SR, the symptoms of post traumatic stress are very likely to hinder a woman's emotional peace, self confidence and empowerment. In this regard the establishment of a confidential and refugee sensitive psychological support center is imperative. Here refugee women should be able to access psychological counselling

[35] Publications by IDASA's Southern Africa Migration Project such as those by D. McDonald 1998 and R. Mattes 1999 come to mind.

in at least French, Portuguese and Swahili, if not Kinyarwanda and Kiswhahili. Counselling should be provided by experienced informed individuals (possibly refugees themselves) who are sensitive to the culture and background of Rwandan refugee women in particular. Furthermore women ought to be encouraged to attend regular sessions and since transport money is frequently a problem, methods should be sought to make this available. Women's tendency to ignore trauma by engaging in child care responsibilities or other chores, was evident among many women at SR-money

Within these organisations the empowerment of women refugees needs to be prioritised. The key ingredient as proposed by Forbes Martin (1995:67) is in development. The importance here lies in enhancing the economic independence of refugees in camps and local settlements through small scale projects addressing health, employment, training and education. In this way providing sustainability through capacity building rather than simply providing goods and services (except in extreme situations) is a committed step in preparing refugees for return. Findings of my own research revealed that the following are among the basic provisions refugee service providers ought to make available:

- introductory/ welcome session offering information with regard to other service providers, rights and public amenities
- trauma counselling
- washing and gardening facilities
- skills training and English language classes
- child supervision and education facilitation

The false notion that providing for refugees will increase their desire to remain in the host country, denies the basic desire all refugees have in common: to return home. In providing women with an environment conducive to the healing of memories and subsequently making a new start, individuals are more likely to benefit South Africa than become a burden.

7. Conclusion

From the research and the reviewed literature elaborated upon in the above discussion it becomes clear that the current local and international institutional framework protecting refugees and refugee women in particular is marred by a number of critical shortcomings. While progress is being made in researching the origins of their plight, very little theoretical and objective information is available on the particular harm caused to refugee women.

A major finding revealed by my research and in regard to the mentioned shortage, is the difficulty of obtaining first hand and objective data from women unable to speak English, unwilling to share their very personal and traumatising experiences and originating form a cultural milieu so different to that of South Africa. This communication barrier has far reaching implications- while it prevents women from integrating into local communities; it also complicates access to services and to obtaining crucial legal and political information pertaining to each individual's rights while in the host country. Without developing a strategy to effectively communicate research output (in the form of new policies and regulations or basic localised information) to refugee women, the purpose of conducting additional research becomes obsolete. A vicious cycle emerges when the purpose of the research is unable to be realised and utilised because the source of the complication has not been altered.

The reviewed readings by such acclaimed local and international authors as Spijkerboer, Crawley, de la Hunt, Callamard and Cohen, as well as the research conducted at SR, divulged an additional significant truth- refugee women across the world (and in developing countries in particular) experience difficulties on the basis of similar administrative and socio-political predicaments. This necessarily implies the need for the UNHCR-the most influential and powerful of refugee organisations- to tighten its monitoring of member organisations in order to maximise the intended benefits gained by its clients. Bound by regulations stipulated by the UN Convention pertaining to the Status of refugees, South Africa has a moral and legal obligation towards refugee women and men. Current practices by the Department of Home

Affairs restrict the country as a whole from providing asylum seekers with the safety and comfort that they are entitled to by international law.

The specific needs of women refugees need to remain at the front of efforts advocating a more human refugee framework. This is particularly important when women have emerged from a context as destructive and harmful as the genocide in Rwanda. While service providers need to develop adequate mechanisms to deal with the effects of rape, torture, war and abuse, the DHA must find a way in which to secure the well being of vulnerable, single women, many of whom rely on the state for everything from shelter to food and work.

The increasing marginalisation of refugees as part of the international community and their demotion to barcodes and numbers rather than neglected individuals, is a point of serious concern to all those working in the field. While there is no denying of the fact that the scope and continuity of the global refugee crisis has desensitised policymakers and has created a degree of territorial nationalism amongst local citizens, these and other factors are gradually impeding on the effective implementation of the strategies designed by the UNHCR after WWII. In trying to uncover the manner in which women in particular have been and still are being disadvantaged, I hope to add my voice to those advocating the creation and implementation of a gender sensitive and more humanitarian asylum determination process.

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